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A MEDIAEVAL PHILOSOPHY OF LAW

The general neglect of mediaeval Italian legal science by modern scholarship is difficult to justify. The neglect is due to the widely-held prejudice that the development of juristic thought and legal science was not only unaided but rather impeded by the researches of the Italian doctors of law. Yet a closer examination of the various derogatory utterances would show that the main attacks — inaugurated by Savigny[1] and since then reproduced with varying degrees of ingenuity — are directed exclusively against the method employed by the jurists, *i.e.*, the so-called analytical-exegetical, scholastic or dialectic method, which, it is said, resulted in an empty formalism[2] and frustrated the development of original thought.[3] These attacks are a criti-

[1] Friedrich K. Von Savigny, *Geschichte des römischen Rechts im Mittelalter,* 7 vols. (Heidelberg, 1834-1851). Cf. Vol. VI in particular.

[2] *Ibid.,* VI, 9.

[3] *Ibid.,* VI, 14. Similar derogatory remarks are made, *e.g.,* by Charles W. Previté-Orton, *History of Europe* (London, 1936), p. 206; R. Calisse, *Continental Legal History Series* (London, 1928), I, 139; J. W. Jones, *Historical Introduction to the Theory of Law* (Oxford, 1940), pp. 15 ff. On the permanent value of the contributions of the postglossators, cf. Roscoe Pound, *Introduction to the Philosophy of Law,* rev. ed. (New Haven, 1937), pp. 37 ff.; Paul Vinogradoff, *Roman Law in the Middle Ages,* 2nd ed. by F. de-Zulueta (Oxford, 1929), *passim;* F. deZulueta, "The Science of Law," in *The Legacy of Rome* (Oxford, 1936), pp. 178 ff.; H. D. Hazeltine, "Roman and Canon Law in the Middle Ages," in *Cambridge Medieval History,* VI, 739; *Encyclopaedia of the Social Sciences,* III, 679-681, s.v. "Commentators," and Emile Chénon, *Histoire générale du droit français* (Paris, 1926-1929), I, 502-513; II, 329-331.

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cism of the form, not of the content of their teachings.[4] Criticism of this kind seems to be somewhat presumptuous. Indeed, one might suspect that the existing prejudice has proved a not inconvenient excuse for completely ignoring the theoretical researches and achievements of the Italian jurists. Cultural conditions not only endowed Italian jurisprudence with an influence destined to survive for generations, but also made it one of the greatest legal movements in the whole history of law.

The systematic study of the Italian jurists is indispensable both to the adequate evaluation of the historical development of legal ideas and to the knowledge of the idea of law itself. Jurisprudence indeed cannot afford to ignore that period of evolution of legal thought from the twelfth to the fifteenth century in the universities of Bologna, Padua, Perugia, Siena, and Naples, not to mention the great French schools at Montpellier, Orleans, and Toulouse. It is true that the office of dogmatic jurisprudence is not primarily the historical investigation of legal conceptions, but rather the systematic arrangement of the principles of existing law.[5] But historical jurisprudence, by systematically expounding the evolution of juristic conceptions and by investigating the formative character of those ideological agencies which moulded the principles embodied in positive law, would furnish dogmatic jurisprudence with the historico-ideological material essential for the knowledge of the principles underlying the current legal ideas, gradually annealed by a long historical process.

The thesis that law is a function of civilization, indeed its most symptomatic expression, implies not only coincidence of the growth and evolution of juristic ideas and other vital processes of common life with that of civilization in general, but also their genetic interpretation in terms of the philosophy with which every civilization is intrinsically linked up. In particular, this thesis justifies and necessitates the systematic study of that epoch of Western civilization in which were made the first scientific efforts to explain, with the help

[4] Cf. W. Engelmann, *Die Widergeburt der Rechtskultur in Italien* (Leipzig, 1938), p. 21. On the scholastic method in general cf. also Vinogradoff, *op cit.*, pp. 56 ff.

[5] Cf. P. Vinogradoff, *Historical Jurisprudence* (Oxford, 1923), p. 155 and *passim*.

of philosophy, the import and genesis of the fundamental principles of law. Christian moral philosophy[6] with its all-pervading influence served as the inexhaustible source for the ceaseless efforts of the Italian professors of the Middle Ages to interpret law in universal terms. The foundations of modern philosophy of law were laid by the mediaeval Italian jurists.

The brilliant reputation which the scholar jurists of the North Italian universities enjoyed in the Middle Ages, overshadowed the more reticent research work carried out in the law school of Naples.[7] There may be accidental reasons for the supremacy of the universities in the North, but their sister in the South was by no means intrinsically inferior. For the Neapolitan legal school produced jurists who, judged by their scientific achievements, can hold equal rank with their colleagues in the North.[8] The exposition of a theory about the foundations of law by an alumnus of the Neapolitan school not only promotes our knowledge of the development of juristic conceptions, but also sheds some light on the intellectual scope and the achievements in that university. The jurist who invites our attention is Lucas de Penna. Although fallen into oblivion, he is a shining example of sound mediaeval scholarship, an attractive figure within the circle of not less attractive personalities in the pantheon of Italian scholarship.

Very few details about his life have come down to us. Diplovataccius (*ob.* 1511) gives no helpful information, and Panziroli's investigations yielded no appreciable results — "de eius tumulo aut die mortis

[6] On Roman law and Christianity cf. F. deZulueta in *The Legacy of Rome*, p. 175. The everlasting achievement of the Italian doctors is that they were the first to apply Christian moral philosophy to the interpretation of legal rules. Cf. also Roscoe Pound, *Interpretations of Legal History* (New York, 1923), pp. 43-45.

[7] It is not without significance that Savigny dealt with the school of Naples in a somewhat perfunctory way. Cf. *op. cit.*, VI, 5, and III, sect. 120.

[8] Cf. Paul Frédéric Girard, "Les préliminaires de la renaissance du droit romain," in *Revue historique du droit français et étranger*, I (1922), 4th series, sec. 32, pp. 40-45; Enrico Besta, *Il primo secolo della scuola giuridica napoletana* (Aquila, 1927), pp. 21, 34 etc. The old work of Lorenzo Giustiniani, *Memorie istoriche degli scrittori legali del regno di Napoli*, 3 vols. (Naples, 1787), is still of great value for the study of the Neapolitan school, especially for the present purpose; cf. III, 39 ff.

nihil ad nos pervenit."[9] In recent years two independent researches have been undertaken with a view to obtain reliable biographical material, but the results have so far been very meager.[10] He was born between 1320 and 1325 in Penne, a place near Pescara in the southern part of the Abbruzzi, and studied law in the university of Naples, where he received his degree of a *Doctor legum* in 1345. His Italian origin, place of study, and date of degree are indisputable facts, although later authorities called him "doctor Gallicus"[11] or "doctor Tholosanus"[12] If any doubt should remain about his domicile in the Sicilian kingdom, it would be dispelled by his frequent references to his fatherland, such as "in civitate nostra," "in regno nostro," and the like; by his intimate knowledge of Sicilian and Neapolitan public affairs; by his reminiscences of his activities as a judge and advocate in several places in Apulia, and lastly by his own reference to his origin of birth.[13] It should also be mentioned that a citizen of Penne and admirer of Lucas, Mutius Pansa, wrote an inscription on his tomb in which he expressly referred to the "aemula Gallia" as enrolling Lucas amongst her sons. Professor Calasso thinks that the place name of Penne near Toulouse has given rise to the error of styling him "doctor Tholosanus" or "Gallicus."[14] But I think the possibility that he may have continued his studies at Toulouse must not be overlooked, although all direct evidence is lacking. His intimate knowledge of certain trends of French moral philosophy, for instance of the teaching of "Frater Aegidius,"[15] his acquaintance with the social-ethical doc-

[9] G. Panziroli, *De claris legum interpretibus* (Venice, 1637), p. 227.

[10] M. M. Wronowski, *Luca da Penne e l'opera sua* (Pisa, 1925) and F. Calasso, "Studi sul commento ai Tres Libri di Luca da Penne," in *Rivista di storia diritto italiano*, V (1932), 395 ff. Cf. also Calasso's article on Luca da Penne in *Enciclopedia Italiana*.

[11] As for instance, all French editions of his main work called him. Cf. also Caccialupus, *De modo studendo in utroque jure*, doc. v, p. 348, and his *Succincta historia interpretum et glossatorum juris* (Leipzig, 1721), p. 510.

[12] Panziroli, *op. cit.*, p. 227 and the treatise mentioned by Calasso, *op. cit.*, p. 403 which is in the Biblioteca Angelica di Roma.

[13] Cf. his commentary on C. xi, 53, I no. 8.

[14] Calasso, *op. cit.*, p. 403.

[15] It should be noted that Cynus, whose study in France is an established fact, also refers to "Frater Aegidius"; cf. his lecture on C. ii, 11: "Et hoc audivi in disputationibus publicis definiri per fratrem Aegidium magistrum theologiae

trines of the school at Chartres, his frequent references to existing legal details in France[16] with certain peculiarities in his style implying strong French influences, all seem to favor this suggestion. No information as to his academic activity is available; we can gather neither from his own writings nor from other sources that he was ever officially appointed an academic teacher. He himself tells us that he was a judge[17] and also an advocate;[18] it was in his activity as a judge that he came into contact with Bartolus.[19] He died, most probably, in 1390.[20]

Lucas's main work is a commentary on the *Tres Libri Codicis* (C. X.-C. XII.), a voluminous book of some 1050 folio pages.[21] The preface relates how this commentary came to be written: the learned librarian of the royal library of King Robert of Naples, Paulus Perusinus — "ingenuus et magnae potentiae vir" as Lucas calls him — drew the jurist's attention to the neglected study of the three books and expressed the wish himself to comment on them. When Paulus died Lucas remembered the conversation[22] and set himself to work. There is no indication as to when the work was finished. Other writings of Lucas include a treatise called *De juris interpretatione*,[23] an

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ordinis Eremitarium." The references to Aegidius seem to occur only with writers who actually studied in France. About Cynus cf. Gennaro M. Monti, *Cino da Pistoja* (Città di Castello, 1924), and F. deZulueta in *Encyclopaedia of the Social Sciences*, III, 465 ff.

[16] Cf. *e.g.*, C. xi, 19, 1 no. 15.

[17] In C. x, 13, no. 21. [18] In C. x, 41, no. 8.

[19] C. x, 13, no. 21: "Communi deliberatione quaesivimus super eo doctores, inter quos profundiores scientiae domini Joannes de Laudo et Bartolus de Sassoferrato in meam sententiam inclinaverunt."

[20] Cf. Calasso, *op. cit.*, p. 407, and *Enciclopedia Italiana*.

[21] The edition of Lyons, 1597. It is strange that this edition is not mentioned by Giustiniani or Savigny or Calasso; it seems also unknown to Girard. Cf. *op. cit.*, p. 44, note 4. This edition is in the library of Trinity College, Cambridge. The writer is glad to take this opportunity to thank the librarian of Trinity College, Cambridge, Mr. H. M. Adams, and his staff for their unfailing courtesy and the great pains at which they have been to render him assistance.

[21a] For possible explanations of this personality, cf. Girard, *op. cit.*, p. 41 f.

[22] Its date is unknown to us. Lucas merely says, "Die quadam . . ."

[23] Manuscript in Bologna, cf. Giustiniani, *op. cit.*, p. 42.

essay entitled *De praesumptionibus,*[24] and numerous commentaries on the Neapolitan constitutions.[25]

In view of the extraordinarily wide learning of Lucas de Penna, it will be well to deal briefly with the characteristics of his main work in order that we may best judge and appreciate the outstanding attainments of this jurist. His work and method reveal not only a thorough knowledge of all things legal, but, above all, complete familiarity with contemporary and ancient philosophy and philology. Work and method display the character of a unique personality whose brilliance of thought, vastness of erudition, and power of lucid expression by far excelled those of his contemporaries. The significance of Lucas's book is inversely proportionate to its unassuming title. It is not a simple commentary on the three books of the *Codex,* as the title would suggest; it contains a complete exposition of the fundamental legal principles and juristic rules relating to all departments and ramifications of law. He proceeds by means of analytical explanation[26] to a statement of the general principles behind the particular legal concepts, thus interpreting the particular law in terms of the whole — the legal order in itself again being an integral part of a larger whole — the world order. It is intended to represent merely certain aspects of his comprehensive output, that is, his philosophic foundations of law, and to show the strong and all-permeating philosophic ingredient of his legal doctrines.

His analyses are characterized by the exclusion of the dialectical method and by his independence of thought. He speaks of the dialectical method, in its heyday at his time, in somewhat sarcastic terms:

[24] In the Biblioteca Angelica di Roma, cf. Calasso, *op. cit.,* p. 403.

[25] Giustiniani, *op. cit.,* p. 42. Cf., in particular, Lucas's long glosses to King Robert's constitutions in *Constitutiones Regni Utriusque Siciliae* (Lyons, 1568), fols. 323 ff., 342 ff., 360 ff., etc. On the tract of Lucas de Penna, *In Valerium Maximum quem librum dedicat Gregorio P. P.,* which tract is alleged to be in the library of Leiden, cf. Girard, *op. cit.,* p. 42. This pope is certain to be Gregory IX who died 1378.

[26] Philology played an important role in his commentaries. The dictionary of Papias, a mediaeval grammarian, who wrote about 1063 (cf. J. E. Sandys, *History of Classical Scholarship,* I, 3rd ed. [Cambridge, 1927], 521) was his chief guide in philological questions. For numerous examples of philological-grammatical interpretations cf. Calasso, *op. cit.,* pp. 438-43.

"Dialectorum namque tendicula sunt quaedam phantasmata et umbrae, quae cito resolvuntur . . . . et qui dialectica arte diebus noctibusque torquentur, in obscuritate mentis gradiuntur."[27] Recognizing that words are merely vehicles of expression, he strongly disapproves of those scholars who dally superficially with words instead of attempting to draw out the meaning behind them: "Neque in verbis est veritas scripturarum, sed in sensu, non in superficie, sed in medulla, non in verborum foliis, sed in ratione rationis; et sicut anima praefertur corpori, ita sensus verbis . . . plerumque enim dum proprietas verborum attenditur, sensus veritatis amittitur."[28] His power and originality of thought permit him to examine legal problems independently: he neither yields to the authority of the gloss,[29] nor does he bow before the titanic figure of Bartolus,[30] and the growing prestige of Cynus or Baldus[31] do not affect his own scientific conclusions. Although he knows their teachings thoroughly and is well acquainted with the canonist doctrines, in particular with those of the "Archidiaconus"[32] and Innocent IV, he bases the acceptance or rejection of the doctrine of

[27] C. xi, 19, 1 no. 7. This passage is preceded by the statement that logic itself is not science, but only a method of scientific inquiry: "Scientia quidem logicalis non est scientia, sed quidem modus sciendi."

The writer offers his apologies for the amount of Latin quotations to be found in this article. But he thinks that, apart from the difficulties of checking references in sixteenth-century books, neither a translation nor a mere summary of the thoughts expressed in the passages could render the exposition of his doctrines faithfully or vividly. The literal quotations, moreover, seem to contribute effectively to a better insight into his ways of thinking, unusual as they were.

[28] C. xi, 23, 1 no. 5.

[29] Cf. *e.g.*, C. x, 44, 1 no. 3: "Sed certe quicquid in hoc glossa dicat," or C. xi, 59, 7 no. 16: "Licet glossa contrarium teneat." Cf. also C. xii, 1, 2 no. 4 where he gives his general views on the gloss.

[30] Cf. *e.g.*, C. xii, 1, 2 no. 16: "Hoc tenuit pro veritate dominus Bartolus de Saxoferrato et quidam alii sequentes eum. Ego reputo hanc maximam falsitatem."

[31] C. xi, 19, 1 no. 18.

[32] That is, the famous canonist Guido de Baysio (*ob.* 1313). The "legists" as a rule did not take much notice of what the "canonists" said. Cf. Lucas's attacks against the legists who neglect the canonists, in particular against Jacobus Butrigarius, C. xii, 1, 17, no. 36. Nor did the canonists take account of the legists. Cf. the late H. Kantorowicz, *Studies in the Glossators of the Roman Law*, in collaboration with W. W. Buckland (Cambridge, 1938), p. 91, and the present writer's remarks in *Revue d'Histoire du Droit*, XVII (1939), 31.

other authorities on purely rational grounds — authority and prestige carry little weight with him: "Plerumque plus premit quam docet auctoritas," says Lucas. He expresses the hope that in scientific researches "non doctorum opinio, sed doctrinae ratio attendetur." Pursuit of truth is to Lucas the sole criterion of scholarship and, as we shall presently see, the guiding principle in legal science.

The aim of legal science, he states in the unusually long preface to his main work,[33] is the discovery of the principles through which law attains binding force and validity. The researches of the glossators of the Roman law and their contemporary successors did not yield satisfactory results, chiefly because they tried, as Lucas critically remarks, to solve the problem of the authority of law with purely legal arguments; they had attempted to find first principles within the law. He abandons the traditional landmarks of contemporary jurisprudence and widens its scope by recourse to philosophy — "rerum divinarum et humanarum cognito, cum studio bene vivendi juncta."[34] It is an axiom of his that to comprehend law the jurist must lay bare those fundamental principles, which lie behind the legal concepts and juridical precepts, from which law derives its authority and through which law attains its binding force. The jurist should investigate the binding character of laws rather than their wording: "Ego autem, inquantum potui huiusmodi inusitata, quin et alia exponere et explanare curavi, eo quod scire leges non est earum verba tenere, sed vim ac potestatem, ff. de legibus, lex 'scire'" (no. 6). In his opinion, legal rules could not claim final authority within their own somewhat restricted sphere, since they are subordinated to ethical rules. The most vital part of philosophy, therefore, was in his view, ethics.[34a] Unshakable faith in the eternal truth of Christianity[35] made him adopt Christian moral

[33] This preface of nearly six folio columns deals with the shortcomings and aberrations of contemporary legal science. It is a masterpiece of language, style, and arguments. But space does not permit any lengthy quotations. We must refer the reader to the preface itself. The few quotations will, it is hoped, suffice to show Lucas's genuine zeal to discover the truth.

[34] C. x, 53, 8 no. 2.

[34a] On these 'ethical tendencies' of legal science in the Middle Ages, cf. Pound, *Interpretations of Legal History*, pp. 41-47.

[35] Cf.: "Omnipotens desiderium meum audiat . . . in eo plenitudinem fiduciae ponens, qui ex quinque piscibus et septum panibus multitudinem satiavit esurientium," preface no. 1. Similar utterances in many other places.

philosophy as his spiritual guide; it furnished him with the speculative basis for systematic thought about the ultimate foundations of law. On the assumption that law is merely the legal enactment of extra-legal principles, he charges legal concepts with normative content. Legal rules originating from, and fundamentally agreeing with, ethical rules are normative in character. The employment of teleological principles is therefore an inescapable consequence. These axiomatic considerations lead him to the further conclusion that scholarship should be pervaded with the spirit of the Christian faith, because it is precisely this spiritual element which safeguards the search for truth. For all science, Lucas avows, serves one purpose only and aspires to one single aim — if it wants to be called genuine science, namely, to know God in His eternal Wisdom, because God "cuncta praevidet et cuncta dijudicat." He is the beginning and the end, the cause of all being: "Deus est alpha et omega, principium et finis, cui saecula nec accesserunt nec coaeterna sunt."[36] True happiness in the world at large, he declares, can only come through the acceptance of the ideas contained in Christian revelation. "Vera autem beatitudo," he says convincingly, "est revelatio gloriae magni Dei et salvatoris nostri Jesu Christi."

Yet it was not only Christian moral philosophy proper which should be applied to legal investigations: the results attained by the philosophers of antiquity are to be resorted to provided they are not incompatible with Christian beliefs: "Si philosophi antiqui aliqua forte vera fidei nostrae dixerunt accomoda, non solum rejicienda non sunt, sed ab eis tamquam ab injustis possessoribus in usum nostrum vindicanda sunt."[37] Furthermore, the writings of historians and poets have to be consulted; they should testify and illustrate the good and bad character of human actions. As law is viewed by him as a consistent, harmonious whole, the jurist with sufficient interest in his subject should take into consideration canon law and the doctrines of "canonum professores illustres;" their achievements will be presented in his work as "prius legistis incognita. Si etiam describantur inferius

[36] C. xii, 46, 1 no. 2.

[37] Preface no. 11.

alia secundum Isidorum aliosque doctores, aut secundum Hugonem[38] aut Papiam[39] vel quid forte poeticum, nullus ea tamquam puerilia teneat vel subsannet insidiator, cuius proprium est in malum bona convertere et in electis ponere maculam."[40] References to the Old and New Testaments are justified: "Si pro uberiori expositione auctoritates insertae sunt novi et veteris testamenti, legista nullus irrideat."[41] Satisfactory results can only be achieved on this broad basis and then only can the cause of truth be furthered, as he avows in the concluding words of his preface: "Cessat igitur arguta correptio et, ut verius loquar, execranda detractio, solumque assistat fovendae veritati indago. Fugiendum quippe, quod malum est, quod vero est, undique melius inquirendum et inveniendum est."

It would be a fascinating study to trace the influences of various philosophical systems and to show which of them was most determinative in its influence within our particular subject, but limitations of space make this investigation impossible. We have, therefore, to confine ourselves to a mere enumeration of the principal authorities by which his doctrines were decisively affected.

Resuscitated Greek philosophy supplies Lucas with the basic philosophical equipment. He draws extensively on the writings of Plato[42] and, above all, on those of Aristotle, whom he calls in true mediaeval fashion "princeps philosophiae."[43] He does not omit Plutarch.[44] Of the Roman thinkers, Cicero is preferred to all others—"Tullius, secundus philosophus," "excellentissimus philosophus et jurisconsultus;[45] whilst the Stoic doctrines of Seneca,[46] Andronicus' peri-

[38] Cf. *e.g.*, C. x, 11, 2 no. 1; xi, 18, 1 no. 26 (*Eruditionis didascaliae*) and C. x, 31, 42 no. 1; x, 47, 8 no. 4 (*De arrha animae*).

[39] He alludes to the *Vocabularium* of Papias which he extensively uses, cf. *supra*, note 26.

[40] *Ibid.*, no. 9.

[41] *Ibid.*, no. 7.

[42] Cf. *e.g.*, C. x, 5, 2 no. 4; xi, 19, 1 no. 8; xi, 53, no. 7. This reference and those in the following notes are by no means exhaustive.

[43] C. xi, 18, 1 no. 31; xii, 21, 1 no. 1. His *Nichomachean Ethics* referred to, *e.g.*, in C. x, 72, 4 no. 1 and 2; xi, 22, 1 no. 6; xii, 45, 1 no. 34, etc. His *Politics* in C. xi, 22, *Rubrica* no. 1; x, 36, 1 no. 21; xi, 26, 1 no. 8. His *Metaphysics* in C. x, 5, 2 no. 7; xi, 18, 1 no. 7, etc.

[44] C. x, 63, 1 no. 4; xi, 48, 1 no. 10; xii, 54, 2 pr.

[45] C. xii, 1, 3 no. 5, and in many other places.

[46] C. x, 53, *Rubrica* no. 2; x, 38, 1 no. 6.

patetic ideas,[47] and the neo-platonism of Macrobius[48] are not neglected. Early Christian writers are represented by St. John Chrysostom — "os aureum"[49] — Cassiodorus,[50] and Boethius.[51] Strong influence in topics relating to moral philosophical problems was exercised by St. Augustine[52] — "sol sapientiae in ecclesia Dei."[53] The exact quotations of passages by Lucas indicate that he was thoroughly familiar with the saint's writings. Another source of Augustinian thought is the doctrines of "Frater Aegidius," that is, Aegidius Colonna, particularly his treatise *De regimine principum*,[54] which he frequently uses as his authority in questions concerning public law, government, and the monarch. Judged by the frequency of references and by the arguments employed, the strongest influence exercised by any single authority on Lucas was John of Salisbury's *Policraticus*.[55] There is hardly a page in Lucas's voluminous book which does not con-

[47] *Fl.* 58 B.C. as head of the peripatetic school in Rome. Cf., *e.g.*, C. xi, 22, 1 no. 6.

[48] His *Saturnalia* quoted *e.g.*, in C. x, 31, 34 no. 7; x, 53, *Rubrica* no. 2; his *Somnium Scipionis*, in C. xi, 22, 1 no. 6 etc. About his neo-platonism cf. W. H. V. Reade, "Medieval Philosophy," *Cambridge Medieval History*, V, 790, and Th. Whittacker, *Macrobius* (London, 1923), also R. M. Wenley, *Stoicism and its influence* (New York, 1922), *p.* 133.

[49] C. xii, 23, 3 no. 2. His *Homiliae in Mattheum* referred to in C. x, 72, 4 no. 5; xii, 19, 2 no. 6, and in many other places.

[50] Cf. *e.g.*, C. xii, 19, 12 no. 30: *Variarum Epistolarum Libri XII.*

[51] Quoted very frequently, in particular his *De consolatione philosophiae.* About his Christianity, cf. Christopher Dawson, *The Making of Europe* (London, 1932), p. 65, and H. M. Barrett, *Boethius* (Cambridge, 1940), pp. 153-64.

[52] "The Christian Plato," as Jacques Maritain calls him in *A Monument to St. Augustine* (London, 1930), p. 113.

[53] Preface no. 5; in no. 2 he refers to the first book of his *De doctrina christiana*, and in no. 6 to the fourth book. His *Civitas Dei* referred to in C. x, 72, 4 no. 4 and 9; xi, 19, 1 no. 10, etc. His *De libero arbitrio* mentioned in C. x, 5, 2 no. 9, etc. About the merging of Platonism and Aristotelianism cf. N. Abercrombie, *St. Augustine and French Classical Thought* (Oxford, 1938), pp. 18, 33.

[54] Aegidius was professor in the University of Paris and later Archbishop of Bourges. He commented on almost all Aristotelian works. Mentioned, *e.g.*, in C. xi, 26, 1 no. 9; xi, 42, 1 no. 20; xii, 37, 6 no. 2.

[55] It is interesting to note that Lucas never refers to John of Salisbury as the author of the *Policraticus*, but quotes the title only. Lucas thought of the Poli-

tain at least one reference to the *Policraticus;* it is especially in problems of a social-ethical nature that this treatise is his exclusive source of information and his trusted adviser. Besides the thinkers and writers mentioned, references to SS. Jerome,[56] Bernard,[57] and Gregory[58] as well as to Alanus de Insulis[58a] are not infrequent. It should also be noted that Lucas was acquainted with St. Anselm of Canterbury[59] and with a pupil of John of Salisbury, Pierre du Blois,[60] who after his appointment to the royal curia of Sicily may have taken a copy of the *Policraticus* with him and may thus have been the medium through which that English philosophical treatise reached the southern seats of learning. The consultation of St. Thomas Aquinas's writings will cause little surprise, in view of Lucas's spiritual environment, the Nea-

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craticus as the name of the author, and not as that of a book. This personification occurs throughout Lucas's commentaries.

It is indeed surprising that this overwhelming influence of John of Salisbury on Italian jurists has completely escaped the attention of historians and legal historians. The literature on John of Salisbury, as far as the writer consulted it, does not contain any record of this important fact. Cf. H. Reuter, *Johannes von Salisbury* (Berlin, 1842); C. Schaarschmidt, *Johannes Sarisberiensis* (Leipzig, 1862); R. L. Poole, *Medieval Thought and Learning* (London, 2nd ed. 1920), pp. 201-25; C. C. J. Webb, *John of Salisbury* (London, 1932). Miss Waddell, on the other hand, seems to have been surprised when her attention was drawn to the one reference to the *Policraticus* by Dante's commentator, Benvenuto da Imola; cf. *Essays and Studies of the English Association,* XIII (Oxford, 1928), 30. Cf. now the writer's study on "The Influence of John of Salisbury," *English Historical Review,* LIX (1944), 384 ff.

Philosophic thought was not the only English influence on dogmatic jurisprudence in Italy. Actual legal customs "Angliae" were frequently referred to in lectures and commentaries of the Doctors; cf. Hazeltine's preface to C. B. Chrimes, *Sir John Fortescue, De Laudibus Legum Angliae* (Cambridge, 1942), p. xxxi.

[56] Quotations of his letters *Ad Nepotianum,* in C. x, 36, 1 no. 26, *Ad Celantium,* preface no. 8, *Ad Innocentium* in C. xii, 36, 13 no. 4. These letters can be found in J. Hilberg, *Sancti Eusebii Hieronymi Epistolae* (Vienna, 1918), I, 52, vol. iii, 148, pp. 329-56, vol. i, 1, pp. 1-9, respectively.

[57] Cf. *e.g.,* C. x, 32, 51, no. 6; xi, 31, 42 no. 1, etc. He refers to the *Considerationes ad Eugenium Papam.*

[58] His *Registrum Epistolarum* was often quoted by Lucas, cf. *e.g.,* C. x, 1, 5 no. 19; on xii, 1, 12 no. 2, etc.

[58a] Alanus de Insulis, C. xii, 19, 1 no. 18.

[59] Referred to in C. x, 72, 4 no. 1, and in many other passages.

[60] About him cf. Louis Bréhier in *Catholic Encyclopedia,* II, 765.

politan seat of learning; but this consultation is remarkable in as much as other contemporary jurists and scholars referred to St. Thomas very rarely. Lucas always refers to St. Thomas with great reverence and usually calls him the 'sanctus doctor.'[60a]

Finally, mention must be made of the wealth of material that Lucas uses for illustrative purposes. In the first place the historians: Herodotus,[61] Livy,[62] Sallust,[63] Hegesippus, Flavius Josephus,[64] Suetonius;[65] secondly, the poets: Vergil,[66] Horace,[67] Terence,[68] and Petrarch.[69]. He is even acquainted with the *Trismegistus,* a collection of ancient Greek and Latin writings of a religious and philosophic nature, ascribed to Hermes Trismegistus.[70]

The question may legitimately be asked whether Lucas de Penna was actually acquainted with the vast amount of ancient and mediaeval works which he refers to, or whether he merely used quotations which he found in other authors. There is, of course, no evidence for a definite answer to either question, but his quotations and references give good reason to assume a positive answer to the first alternative: the exactness of his quotations, always to title, book, chapter of the work referred to, and the correct quotation of whole passages, do not suggest that he merely used other authors and copied their quotations. Furthermore, his method of references and quotations is quite unlike that of the traditional mediaeval modes of quoting, at least amongst the jurists, usually without exact references. His familiarity with contemporary scholarship is disclosed by references to relatively unknown

[60a] C. x, 69, 2 no. 5; xi, 41, 1 no. 21, etc. "Sanctus Thomas" in C. xi, 47, 1 no. 5.

[61] Cf. *e.g.,* C. xii, 43, 2 no. 12.

[62] Cf. C. x, 5, 5 no. 4; xi, 72, 1 no. 14; xii, 37, 6 no. 1, and in many more places.

[63] Cf. C. x, 1, 6 no. 1; xi, 37, 1 pr. etc.

[64] *De Bello Judaico,* quoted in C. x, 31, 69 no. 8.

[65] *E.g.,* C. x, 18, 1 no. 8.

[66] Cf. *e.g.,* C. x, 26, 1 no. 4; x, 65, 6 *Rubrica,* no. 5; xi, 8, 12 no. 2, etc.

[67] Cf. C. x, 1, *Rubrica* no. 1; xi, 49, 1 no. 10, etc.

[68] Cf. *e.g.,* C. x, 1, 7 no. 11.

[69] *E.g.,* C. x, 18, 1 no. 5: "Dominus laureatus."

[70] This collection was written about 270 A.D. The doctrinal content is derived from Greek philosophy and influenced by Egyptian thought, cf. W. Scott, *Hermetica* (Oxford, 4 vols., 1924-36), I, 11.

authors, such as to Gerardus de Senis, an Augustinian monk of the middle of the fourteenth century.[70a] Lastly, he himself attaches great value to the study of the philosophical writings in their original and warns the student against the dangers and errors hidden in current translations and transcriptions. His quotations seem even to imply an acquaintance with Greek, although no direct evidence is available that he did know Greek.

Lucas bases the ultimate authority of law on the virtue of justice, which, conceived as transcendental in its origin, is immutable in its nature. Law is "justitiae sanctio" or "norma justitiae." His theory of law is an attempt at an interpretation, in universal terms, of the law of his time. In full agreement with all mediaeval legal philosophers[71] he considers law as a system for ordering human conduct and for adjusting human relations with a view to the destined end of man. "Cum scientia totius utriusque juris quamvis particulariter vertatur circa justitiae notitiam, eo quod jus est objectum justitiae, secundum Aristotelem, quinto Ethicorum, et a justitia appellatum est jus . . . . et jus justitiae executivum, non est incongruum hic de tam excellenti et saluberrima virtute quaedam memorari."[72] He points out that the ordinary contemporary jurist was too little interested in eliciting the import and implications of this virtue. Somewhat sarcastically he remarks, "quamquam de extra legis materia ad simplicium juristarum eruditionem hic scribere mihi placuit."[73] Virtue, abstractly considered, is a mental quality which is infused into man as a moral creature, guiding him in the appropriate direction. "Virtus est bona qualitas mentis," Lucas says, betraying the influence of St. Thomas, "qua recte vivitur, qua nemo male utitur, qua Deus in nobis sine nobis operatur."

Setting out from this ethical tenet he proceeds to amplify and to interpret the concept of justice. His investigations begin with a brief outline of the historical development of the idea of justice, which, in his opinion, is "regina virtutum," embracing, so to speak, all other

[70a] C. xi. 32, 2 no. 1. He refers to the monk's treatise *De Usuris*.

[71] Cf. the present writer's article, "Baldus's Conception of Law" in *Law Quarterly Review*, LVIII (1942), 386 ff.

[72] C. x, 72, 4 pr.

[73] C. xi, 22, 1, 5.

virtues,[74] and without which not even illegal or anti-social communities can live.[75] The contributions of Aristotle, Cicero, and St. Autine to the knowledge of the idea of justice seem to him of intrinsic value and particular interest, since he quotes their descriptions of justice in full.[76]. But their views apparently leave him unsatisfied, though he does not expressly disapprove of them. After this outline he declares that "our justice," that is, justice as defined in Justinian's law books, is recommended by St. Thomas Aquinas — "apud nos autem diffinitur justitia, ff. de justitia et jure, lege 'justitia', quam definitionem commendat Thomas de Aquino, secunda secundae, qu. 58, art. I." Justice as modified by St. Thomas, meets with Lucas's approval, though again an explicit acceptance is missing. "Reducit (scil. Thomas) autem ad perfectam definitionem justitiae, hoc modo, justitia est habitus, secundum quem aliquis constante et perpetua voluntate jus sum unicuique tribuit."[77] Although he affirms his agreement with the content of justice as perceived by Justinian (Cicero) and St. Thomas, he implies that the immutable and transcendental character of justice is not sufficiently stressed by them, for he avows that Trismegistus described this metaphysical idea best by declaring that "justitia (sicut verissime Trismegistus definit) nihil aliud est quam Dei motus."[78] He recalls with approval the eulogy of Lactantius that "nemo pauper est, nisi justitia indiget, nemo dives, nisi qui virtutibus plenus est." Justice is, in other words, a "divinus fructus." In his commentary on C. XII, 45, 1 no. 28, he states that "Dei spiritus est

[74] C. x, 72, 4 no. 5: "In justitia quidem simul omnis virtus est," and no. 3: "Omnes virtutes simul amplectantur."

[75] C. x. 72, 4 no. 5: "Tanta enim est vis justitiae, ut nec illi, qui maleficio et scelere pascuntur, sine ulla eius particula vivere possint, nam et princeps latronum, nisi aequaliter praedam dispartiat, aut interficietur aut relinquetur." The Ciceronian trend of thought is unmistakable.

[76] *Ibid.*, no. 1. Aristotle: "Est justitia habitus secundum quem aliquis dicitur esse operativus secundum electionem justi . . . "; Cicero: "Tullius autem secundo rhetoricae dicit, quod justitia est animi habitus communi utilitate servata, suam cuique tribuens dignitatem." St. Augustine: "Justitia est rectitudo voluntatis per se servata; haec est omnium perfectissima virtus, quae jura nobis omnibus distribuit."

[77] *Ibid.*, no. 2. He continues: "Et quasi eandem definitionem esse dicit cum praedicta definitione Aristotelis."

[78] *Ibid.*, no. 4.

justitiae lumen." Thus the raison d'être of the authority of justice lies in its emanation from the divine will. In support of this metaphysical conception of justice and of the transcendental basis of law he alludes to Cicero's famous dictum: "Nihil praestabilius quam plene intelligere nos ad justitiam natos esse neque opinione, sed natura esse constitutum jus." Moreover, to deprive law of its metaphysical basis and to assume that law is grounded in sentiments or ideas of the people, would be equal to anarchy, and to think that all institutions bearing the name legal are just, and emanate from justice, would be mere foolishness. Strong words are used by Lucas: "Illud vero stultissimum est existimare omnia justa esse, quae sita sunt in populorum institutis, aut legibus etiam. Quod si populorum jussis, si principum decretis, si sententiis judicum, jura constituerentur, jus esset adulterare, jus latrocinari, jus falsa testamenta supponere, si ex suffragio aut scitis multitudinis probarentur." In pursuance of this axiomatic idea he professes that God is justice itself and that this virtue, in common with all other theological and cardinal virtues, is implanted in man as a moral creature. He holds, following St. John Chrysostom, that "qui omnem justitiam facit . . . . Deum videt, quoniam justitia figura Dei est."[79] Lucas claims that the cultivation of justice is "summum bonum." To make justice the basis of one's life, means to live in accordance with the divine will. "In semita justitiae vita," Lucas declares, "iter autem devium ducit ad mortem. Justum deducit dominus per vias rectas."[80] The injunctions which justice contains, are in his view a combination of religious-ethical maxims and of Roman juridical principles. "Praecepta justitiae vero sunt decem praecepta decalogui, alieni restitutio, ac honeste vivere, alterum non laedere, jus suum unicuique tribuere."[81] But all the detailed characteristics of justice may be comprehended in the one imperative which is, or should be, the foundation of all social life and its

[79] *Ibid.*, no. 5.

[80] *Ibid.*, no. 8. Cf. also no. 5: "Initium bonae vitae est facere justitiam et accepta apud Deum magis quam immolare hostias," recalling the words of *Proverbs*.

[81] C. xi, 22, 1 no. 6.

golden rule: "Omnia, quaecumque vultis, ut faciant homines, haec et facite illis."[82]

Two main practical aspects of the idea of justice suggest themselves to Lucas, namely, justice in the province of the administration of public affairs, and justice in the domain of jurisdiction.

The ruler of the State, in the opinion of the Neapolitan Doctor, was entrusted with the protection of, and care for, his subjects; his duty was to enhance the common good by making justice the supreme criterion in the exercise of his authority over his people: "Principes terrarum a Deo sunt instituti, ut communem populi utilitatem procurent."[83] The significance of this idea and the duty incumbent on the ruler of the state warrant some elucidation. Justice is the foundation of peace within states and the guiding principle in all questions relating to public government, for "sine justitia vero impossibile est civitatibus pacem dare; opus justitiae pax."[84] The abandonment or the neglect of the idea of justice in the realm of public government would change civilized communities into mere bands of robbers.[85] Internal strife and injustices committed by governments on their subjects are agencies destructive to the peaceful continuance of the State.[86] It is the uncontrollable emotions of ruler and government, such as envy, hatred, and the consequent favoritism, which prove harmful to the peace of the commonwealth. He declares: "Nota, quod circa regimina publica omnis passio debet abscedere."[87] Most destructive of all is bribery, "acceptio personarum" — not infrequent in his time[88] — since the prospects of material wealth give free play to the passions

[82] *Ibid.* Cf. also C. x, 72, 4 no. 9: "Quod tibi fieri non vis, aliis non feceris, et econtra, quod tibi vis fieri, aliis feceris."

[83] C. x, 18, 1 no. 9.

[84] C. x, 72, 4 no. 4. Cf. also no. 9: "Nihil tam inimicum civitatibus est quam injustitia."

[85] "Sublata namque justitia et regna, res publicae urbium singularum nihil aliud sunt quam latrocinia," C. xi, 22, 1 no. 1, with a reference to the *Civitas Dei*, lib. iv, cap. 4. Lucas seems to have labored under the same misapprehension as modern authorities with regard to this famous dictum of St. Augustine. On wrong interpretations of St. Augustine, cf. Christopher Dawson, "St. Augustine and His Age" in *A Monument to St. Augustine* (London, 1930), pp. 63 ff.

[86] "Contradictio autem et iniquitates delent civitates," *ibid.*

[87] *Ibid.*

[88] C. x, 72, 4 no. 7: "Hodie maxime . . . "

which easily result in physical violence: "Cum autem lucrum aut pretium intervenit, tunc passio non stat solum in animo, sed pervenit ad actum, id est, ad manum."[89] He observes that kingdoms change hands as a consequence of trickeries and frauds.[90] The idea of a just government entails that the common good should be set above the private good: "Utilitas publica privatae praeferenda est; quando concurrit privata cum publica, nulli dubium est, quod privata succumbit."[91] In short, justice exercised by the ruler is of higher moral value and more beneficial to his subjects than the temporal gain of material wealth: "Justitia regnantis utilior est subjectis quam fertilitas temporis."[92]

The office of the judge is, Lucas assures us, the decision of concrete cases on the basis of "vera justitia."[93] Judgment proper is that judicial decision the content of which is derived from the idea of justice.[94] Judgments fulfill their proper function through the pronouncement of justice embodied in the decision applicable to the particular case.[95] The judge should be dispassionate; observations on the mischievous judicial activity of some judges "in regno nostro" justify, he thinks, some warnings. It constitutes, in his opinion, illegality when the judge, in spite of the clear wording of the positive law and with disregard of the fixed legal rule applicable to the actual case, bases his decision on arguments which are only superficially legal, and on "exquisitae rationes," but which in truth are to hide his intention to give favorable judgment on account of the particular circumstances or persons of the case.[96] Receiving of bribes by the judge entails loss of his

[89] C. xi, 22, 1 no. 1.

[90] C. x, 72, 4 no. 9: "Propter injurias et injustitias, contumelias et diversos dolos regnum transfertur de gente in gentem."

[91] C. x, 32, 31 no. 2, cf. C. xi, 42, 1 no. 11. [92] C. x, 72, 4 no. 4.

[93] *Ibid.*, no. 6. The judge should not perform his duties with dislike, but with ardent affection: "Non odio, sed bono zelo." Cf. C. xi, 26, 1 no. 8: He is bound to say that men judge more "odio aut amore aut cupiditate aut iracundia aut dolore aut laetitia aut spe aut timore aut iracundia aut dolore aut errore aut aliqua promotione mentis — quam veritate."

[94] C. x, 72, 4 no. 5. [95] C. x, 72, 4 no. 6.

[96] "Decidere quippe quaestiones non per casum legis expressum, sed per argumenta legalia et exquisitas rationes contra manifestam aequitatem vel quia ex personarum et rerum qualitatibus ratio contrarium suaderet, non multum

moral integrity and of the confidence placed in him and should result in his dismissal from office; he recommends in like cases that the dismissed judge should first give satisfaction to those who suffered by his corrupt jurisdiction, before he is brought to trial.[97]

The abstract idea of justice is divided by Lucas into two main species, *i.e.*, into a general and a particular justice. In the former sense justice deals with human actions in so far as they are directed towards the common good and this justice may also be called legal justice. It is this kind of justice which moves man to give society its due. Particular justice, on the other hand, comprises human actions which concern the relations between man and man.[98] The corresponding Aristotelian connotations of distributive and commutative justice are employed to show that crimes are merely violations of justice in either sense; the right to punish is based not on the need for protection, but rather on the supposed violation of justice.[99] This is a material rather than a formal conception of crime.

But Lucas professes that safeguards are necessary against a rigidly static and inflexible conception of justice. He emphasizes that the concrete realization of the idea of justice may lead to most unsatisfactory results which reveal a vast gulf between the ethical ideal of justice and its realized form. A distortion of the idea is brought about by a sophisticated and "over-skillful" interpretation which as a result divorces the notion of justice from its inherent meaning and sense. In his opinion only a certain emotional attitude enables the interpreter to counteract those disagreeable excesses of interpretation. The intelligent and efficient interpretation of law presupposes the operation of a corrective or regulative element. This element, he declares, is charity, which, at the same time, is a constructive and creative element of the idea of law. "Vera justitia ex opere non consummatur, nisi etiam voluntas affuerit," he is wont to stress, "et semper justitia

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reputo sapientis, quod enim illegale, i.e. non secundum legem scriptam aut non secundum rationem continet omnem injustitiam et commune est omnis injustitiae," C. x, 76 *Rubrica* no. 11.

[97] C. xii, 1, 12 no. 10.

[98] C. x, 72, 4 no. 3: "Generalis dicitur . . . quia ordinat hominem ad bonum commune, haec eadem dicitur legalis justitia . . . particularis est, quae ordinat hominem circa ea, quae sunt ad alterum vel ad singularem personam."

[99] C. x, 11, 5 nos. 29-34.

est cum misericordia, *i.e.*, clementia, temperanda."[100] He utters a warning against those administrators of law who are wrapped up in a petrified conception of justice, thereby overlooking the real issue of justice and fulfilling, by their decisions, that well known legal paradox *summum jus summa injuria*. "Existunt saepe," he says on this point, "injuriae calumnia quadam et nimis callida, sed malitiosa juris interpretatione, ex quo illud 'summum jus summa injuria' factum est, jam tritum sermone proverbium."[101] Charity is to be imposed on justice and is to function as a moderating and alleviating agency to prevent excesses of "statutory legality."[102] Steering a middle course is the device which he gives: "Superabundantia et defectus omnia corrumpunt, medium autem salvat, charitas aedificat."[103]

It is in this setting that Lucas attempts to clarify the concept of equity. After quoting Aristotle[104] and stating that equity is an attribute, an *epiphenomenon*, of justice, he proceeds in his commentary on C. XII, 19, 12 to draw out the meaning of equity. There he affirms that the ethical idea of justice undergoes a transformation into a positive, real agency which creates law and which is its proximate cause. This transformation is achieved by charity bearing upon justice: "Aequitas est justitia dulcore misericordiae temperata."[105] In its concrete meaning equity is nothing else but the idea of justice applied to the particular case. Following John of Salisbury he says: "Est autem aequitas secundum Policraticum lib. 4, c. 2, rerum convenientia, quae cuncta aequiparat ratione et in paribus rebus paria jura desiderat, in omnes aequalis, unicuique tribuens, quod est suum."[106] He holds that the principle of equity is not only a safeguard against a mechanical, literal interpretation of law with its results contrary to the fundamental idea of justice, but also the safest guide in the sphere of actual application. Moreover, equity in the defined sense is the proximate source of law: "Lex est super aequitate fundanda . . . . lex debet super

[100] C. x, 72, 4 no. 6. [101] *Ibid.*

[102] Cf. also C. xii, 42, 1 no. 15: "Justitiam debet temperare moderatio, quod verbum habet operari diminutionem, non augmentum."

[103] *Ibid.*: "Nimia justitia superbiam et horrorem parit . . . interdum albuginem in oculo parit sicut nimia sapientia." Cf. also C. x, 72, 4 no. 6: "Nimium justus perit justitia sua."

[104] C. xi, 22, 1 no. 6.

[105] C. xii, 19, 12 no. 31, referring to the "Archidiaconus." [106] *Ibid.*

aequitate fundari."[107] Law which is not equitable is an untenable idea: "Jus nisi aequm, jus non est; nec est opus sanae mentis."[108] In other words, law is merely the external form of equity: "lex est forma aequitatis," and therefore its interpreter: "Lex eius interpres est."[109] Law rationalizes the idea of benevolence inherent in the idea of equity[110] which becomes a directing force for the legislator in creating law: "Est virtus dirigens ad positionem bonarum legum."[111] Recognizing that cases frequently occur which are not covered by positive law nor dealt with by any legal rule, Lucas assigns a further function to equity. The judge has to apply the principle of equity to the decision of cases about which the positive law is silent (*casus omissi*).[112]

The origin of equity is to be found in natural reason: "Aequitas ex naturali ratione procedit."[113] This views presents the idea that man is a rational and moral creature. He affirms that nature brings about social co-existence through the potency of reason ("natura vi rationis hominem conciliat homini et ad vitae societatem") and that reason forbids the unequal treatment of individuals.[114] Actions contrary to natural reason are, therefore, to be considered as "iniquae." Consequently, it causes no surprise when we find that Lucas arrives at the idea, however vaguely conceived, of a natural equality of men: equity in the sense of equality is not only the source of law ("lex super aequitate est fundanda, *quia aequalitas est affectus unitatis*"),[115] but it is also the aim of law.[116] Equality before the law is the foundation of legal procedure and the basis of the impartiality of the judge.[117]

[107] C. x, 5, 2 nos. 7 and 2.

[108] C. xii, 19, 12 no. 31. Fully repeated in C. x, 1 *Rubrica* no. 2 where he deals with law in general: "Est sciendum, quod jus debet esse aequum et bonum . . . alias non congrue jus diceretur, quia tunc definitio non converteretur cum suo definito."

[109] C. xii, 19, 12 no. 31.

[110] *Ibid.*: "Dicas, quod proprie aequitas est benignum, jus vero proprie est quid rationabile.

[111] C. xi, 22, 1 no. 6.

[112] C. x, 5, 2 no. 7: "Prout postulant loca et tempora . . ." is a very realistic viewpoint.

[113] *Ibid.*

[114] *Ibid.*, no. 8.

[115] *Ibid.*, no. 7. The italics are mine.

[116] *Ibid.*, no. 6: "Et aequum privilegium lex dare debet et eadem mensura."

[117] C. xii, 19, 12 no. 30. But cf. C. x, 72, 4 no. 9: "Nota, quod haec duo pronomina 'meum' et 'tuum' non ex justitia, sed ex iniquitate mortalium processerunt."

In conclusion, the assumption that Lucas conceived the idea of equity as a synthesis of "ratio" and "voluntas" cannot entirely be dismissed. The emotional attitude of charity is called forth into action by natural reason as the source of direct, universal understanding of human situations. Equity is thought of by Lucas not as a metaphysical concept, but as a human agency regulated by emotion and reason. Equity, according to him, is modified justice, is human justice.

After this brief outline of Lucas's thoughts on the origin and function of justice, we may turn to an examination of his views on law itself, and in particular on positive law.

Lucas maintains that the authority of law is the most powerful factor in man's social life, since its regulates human life by its ordinances, based on the principles of equity. Law is "lux et via vitae," and "nihil tam studiosum in rebus humanis inveniri potest quam legum auctoritas, quae divinas et humanas res bene disponit, et omnem iniquitatem expellit."[118] But, he assures us, the law could not fulfill this function if it merely emanated from the will of the people. The creation of law cannot be placed in the hands of the people which has not been given law-creative authority. Furthermore, the "will of the people," he argues, is subject to numerous influences which would render it extremely difficult to uphold the thesis that law is based on the metaphysical conception of justice. The controversy as to the law-giving authority, whether the people or the head of the state — very much in the foreground of discussion at his time[119] — is decided by Lucas in favor of the latter alternative. It is the ruler alone who has the power to create new law and to abolish existing law. The people have no right whatsoever to take part in legislation. The full quotation of the relevant passage in which he denies the people any law-creating func-

[118] C. xi, 19, 1 no. 14.

[119] Cf. C. N. S. Woolf, *Bartolus of Sassoferrato* (Cambridge, 1913), pp. 147 ff.; F. deZulueta, *Vacarius* (London, 1927), pp. lxxv ff.; Gierke-Maitland, *Political Theories of the Middle Age* (Cambridge ed., 1938), pp. 39 ff.; A. J. Carlyle, *History of Political Thought in the West* (6 vols., Edinburgh, 1902-1936), V, 48 ff., VI, 13 ff., and my remarks in "Bartolus on Customary Law" in *Juridical Review*, LII (1940), p. 271, note 3.

tion seems justified by the forceful language and the highly interesting arguments he puts forward:

> Vanae voces populi non sunt audiendae . . . . electio seu postulatio facta vocibus popularibus et confirmatio inde secuta nulla sunt. Multitudo namque libenter consentit in vitio . . . . et ob tumultum cito a vero deviat pergitque in indirectum. In malum quoque pronus est populus . . . . plebs enim saepe clamoribus aut gratia vel pretio forsitan agitata seu excitata moveri solet. Multitudinis vero imperitae consilium et quae (quod?) populare consilium sequitur, nec fructus boni nec jucunditatem nec memoriam habet[120] . . . . nihil tam facile quam vilem plebiculam et indoctam conditione et linguae volubilitate decipere; quae quicquid non intelligit, plus miratur, populum namque decipiunt, qui beatificunt eum et viam gressum morum dissipant. Mihi nihil umquam populare placuit, eamque optimam rem publicam esse dico, quae sit in potestate optimorum, nam quanto major est populus, tanto ab intellectu est remotior; nihil est facilius quam in quemlibet affectum commovere populum.

He feels the necessity of adding that customary law obtains its efficacy and binding force by confirmation of the ruler: "Praemissa tamen non urgent in casu nostrae quaestionis, nam consuetudo ipsa et aliae sunt regis privilegio confirmatae."

The ruler is the only law-creating authority. This is a natural corollary of his view of the function of the head of the state in general. We have already pointed out that the ruler is entrusted with the care of his subjects. The creation of law is, therefore, one of his main functions and his exclusive privilege and duty: "Sola quidem voluntas princpis est lex."[121] The sovereign derives his authority to create and to sanction law from God: "Imperator a Deo condendae legis potestatem accepit . . . . [122] Deus Imperatori sanciendi leges potestatem dedit. Jus civile divinitus est per ora principum promulgatum."[123] The ruler is merely the medium through which God creates law that is known as human or civil law. It attains binding force, because it emanates from him by virtue of his divine mandate: "Et sic potest dici divina sanctio omnis lex" is Lucas's conclusion. The obligatory character of law rests on the divine will as the ultimate source of all

[120] C. x, 36, 1 nos. 25-6 with a reference to St. Jerome's letter *Ad Nepotianum*.
[121] C. x, 26, 3 no. 1, and in many other places.
[122] C. xi, 19, 1 no. 3.
[123] C. x, 18, 1 no. 8.

law. The ruler alone is endowed with the "divinum lumen" (C. xi, 18, 1 no. 3) which imparts binding force to his laws alone. Thus, the constitutive element of the obligatory character of law is, not the ruler's will *per se*, but God's Will, for "non est homo, qui ligat, sed Deus, qui dignos facit homines tanti honoris" (C. xi, 70, 5 no. 42). Law is a hallowed ordinance: "Sanctio sancta jubens honesta, prohibens contraria."

This is a most thorough-going application of Lucas's theistic world-outlook. The ruler receives his mandate from God directly.[124] He is "divinitatis imago" — God's representative on earth for the governance of temporal affairs.[125] This view, we may add, is diametrically opposed to the contemporary views current in the universities of the North[126] but is in line with the conceptions prevailing in the South. Bartholomaeus de Capua, another jurist of the fourteenth century, had ideas similar to those of Lucas, when he taught that the ruler is God's vice-gerent on earth in temporal matters.[127] These identical views of Lucas and Bartholomaeus found strong support in the actual political conditions in the Neapolitan kingdom, characterized by a firmly centralized government.[128] This actuality of the political structure may present itself as a reason for Lucas's almost excessive devotion to the ruler and, furthermore, for his detestation of anything that might be called the expression of the "people's will." In many

[124] Sixteenth-century political thought had undoubtedly cast its shadows as far back as the middle of the fourteenth century.

[125] The statement by A. J. Allen, *History of Political Thought in the Sixteenth Century* (London, 1928), p. 282, that this conception of the ruler as the image of God was first elaborated in the fifteenth century, is quite misleading. Lucas is perfectly familiar with "the conception of a prince ruling absolutely as the representative of God," Allen, *op. cit.*, p. 281. Moreover, this idea is plainly expressed in the *Policraticus* to which Lucas refers: iv, 1; vi, 25; viii, 17.

[126] Cf. especially Woolf, *op. cit.*, pp. 72 ff. On St. Thomas's views cf. A. P. d'Entrèves, *The Medieval Contribution to Political Thought* (Oxford, 1939), p. 39.

[127] Cf. Bartholomaeus de Capua's commentaries to the Sicilian constitutions in *Constitutiones Regni Utriusque Siciliae*, fols. 4 ff.

[128] Cf. Michelangelo Schippa, "Italy and Sicily under Frederick II," *Cambridge Medieval History*, VI, 131 ff., and K. Goetz, *Koenig Robert von Neapel* (Tübingen, 1910).

places he speaks of the democratic governments in the northern city-states, which were not only an easy prey to the ambitions of tyrants, but which were torn by internal dissensions, rebellions, and popular upheavals. The peaceful atmosphere and tranquility in Naples compare, Lucas points out in a number of places, very favorably with the northern conditions and, in his opinion, are due to the salutary government by a prince.[129]

In his further disquisitions Lucas adopts an anthropomorphic view of the state in which its organs are compared with those of a living organism. The ruler takes the place of the head of the body politic, the eyes, ears, and tongue are likened to the judges and governors of the provinces, the arms to other executive officials, and the feet of the body politic are represented by the peasants. It should be mentioned that this anthropomorphic view is already contained in the *Policraticus* and was wholly taken over by Lucas.[130]

On the other hand, Lucas is firmly convinced that the tyrant is the "image of depravity," who cruelly oppresses his people by his despotism. The basis of his government is brute force, whilst that of the ruler is justice and law. The tyrant, Lucas is wont to stress, misuses the powers bestowed upon him by God and perverts the idea of a divine governance of the world. It cannot cause any surprise that he strongly counsels the subjects of a tyrant to resort to the only measure adequate to deal with "this most evil creature on earth,"[131] *i.e.*, to kill the tyrant. "For the Heavenly Father will only be comforted by the destruction of this public enemy" ("publicus hostis"). This thesis is directly derived from the *Policraticus* in which tyrannicide is advocated. Quoting the very words of John of Salisbury, Lucas says that it is not only permissible, but right and just to kill this "pestilence

[129] In many places he treats of the best forms of government and reiterates his abhorrence of the people's will and strongly asserts that the best form of government is monarchy. His contemptuous attitude towards the people may also have been influenced by the *Policraticus*, vii, 9.

[130] On John of Salisbury's organic views cf. Charles H. McIlwain, *The Growth of Political Thought* (London, 1932), p. 321; W. A. Dunning, *History of Political Theories (Ancient and Mediaeval,* London, 1919), pp. 187, 188; E. F. Jacob, "John of Salisbury and the Policraticus" in *Political Theories of Some Great Medieval Thinkers* (ed. F. J. C. Hearnshaw, London, 1923), p. 259.

[131] C. xii, 63, 1 no. 74.

and outcast of humanity."[132] "The perennial idea of the moral purpose and function of the state"[133] seems to have induced Lucas to his uncompromising attitude towards the tyrant.

Lucas postulates three essential conditions for any law. The supreme criterion in the creation of law is the consideration of the common good. Laws are the instrument by which the ruler promotes the common good of his subjects effectively, since they constitute rules of action. "Praeses facere debet," Lucas declares, "quicquid omnino est publico et civitatibus utile."[134] He admits that this effect cannot always be achieved towards all the members of the community, but he declares that it is sufficient when the law fulfills this criterion towards the majority of the people: "Si forte non omnibus utilis est . . . sufficit tamen, si majori parti, nulla enim lex satis commoda est."[135] He considers it advisable to state plainly — probably with contemporary conditions in mind — that legislators must not create law for the sake of their own or their officials' private advantage, because "lex enim nullo privato statuentis commodo, sed pro communi bono ponenda est."[136] But he recommends, in order to deprive law of this type of private effects and provided that it is useful to the whole or the majority of the community, that "lex ubique debet virtutem suam extendere . . . constitutio personalis habenda est pro generali."[137]

Another indispensable requirement is the conformity of law with nature: "Subjungo, quod lex a natura deviare non debet."[138] He hastens to add that it is not divine nature, but rather human nature with which law has to conform: "Intellige naturam humanam potius quam divinam."[139] In other words, he requires conformity with what is usual or normal. This is made clear by the emphasis he lays on the necessity of considering legislative precedents, for in his view a grad-

[132] C. xi, 46, 1 no. 14 and *Policraticus*, iii, 15. It is significant that Lucas does not refer to John's later passage (viii, 20) in which he cancelled his previous advice to the tyranny-ridden people and suggested falling back on prayers for the tyrant instead of murdering him.

[133] Cf. the paper of F. M. Powicke, "Reflections on the Medieval State," *Transactions of the Royal Historical Society*, 4th series, XIX (1936), 10.

[134] C. xi, 42, 1 no. 13. [135] C. x, 5, 2 no. 4. [136] C. xii, 37, 15 no. 8.

[137] C. x, 28, 1 no. 4.

[138] C. x, 5, 2 no. 4, repeated in many passages, *e.g.*, x, 36, 1 no. 21; x, 61, 1 no. 8.

[139] C. x, 5, 2 no. 4.

ually progressive development should take place in the sphere of legislation. The legislator will only then succeed in creating laws which will prove beneficial to his people and which will serve as a feasible rule of action, if he takes account of the existing prevalent ideas about justice and equity. That is the meaning of the otherwise misleading passage: "Leges nulla alia causa nos tenent quam quod judicio populi sunt receptae . . . nam et lex debet anterioribus exemplis submitti . . . id enim quod usitatum non est, fieri non potest."[140] In short, laws by establishing rules of action should regard the limitations of human nature.

Since laws are considered as the supreme guide in social relations they have, thirdly, to be based on a "ratio"; that is to say, that which is reasonable from the point of view of society and that which aims at promoting the common good, has to be made a rule of action by the promulgation of laws: "Lex debet rationem omnimodam continere, immo est summa ratio."[141] Thus Lucas comes to justify the treatment of *casus omissi* on grounds of an hypothetically anticipated legislative act: "Quod rationabile est, debet in jus perfectum deduci . . . unde idem jus servandum est, licet statutum non sit, quia verisimile est statutum fuisse, si hoc quaesitum fuisset."[142] Furthermore, administrators of law have to take cognizance of changed social conditions which of necessity entail a change of the interpretation of the "ratio legis." "Procedendum est," Lucas counsels, "secundum varietatem rationis, quod enim fuit uno tempore rationable, variata causa posset esse irrationabile."[143] But the ruler of the state is not entitled to change laws at his own discretion as long as social conditions and the "ratio" of the law remain unchanged.[144]

In general, the law "jubet ea, quae facienda sunt, prohibet ea, quae contraria."[145] Following John of Salisbury, the Neapolitan demands and expects from the legislator that his "leges sacras regulas sequi."[146]

[140] C. x, 28, 1 no. 5, repeated in several other places.

[141] C. x, 5, 2 no. 9, referring to St. Augustine's *De libero arbitrio*, lib. i.

[142] *Ibid.*, no. 9.

[143] Different social conditions call for different laws. C. xi, 19, 1 no. 16: "Leges humanae secundum dispositiones terrarum variantur et secundum varietates temporum . . . et sic diversae diversis temporibus emanarunt."

[144] *Ibid.*, no. 17. [145] C. xi, 19, 1 no. 12. [146] *Ibid.*, no. 14.

Human legislation cannot restrict the freedom of the Church: "At mundanis legibus sancta mater ecclesia non constringitur."[147] But civil law which is contrary to canon law has to be observed in its proper domain, that is, before the civil courts.[148] The scope of the validity of new positive law differs: laws conflicting with natural or divine law are not valid as a rule. But strangely enough, Lucas asserts that the conflicting civil law is valid, if the legislator inserts a clause to the effect that notwithstanding the opposing law his law should be valid. But even so, the new law cannot abrogate, but only derogate the law with which it is in conflict. The validity in these cases, Lucas maintains without giving adequate reasons, was an effluence of the ruler's will, and was not grounded in the lack of authority: "Et sic magis ex defectu voluntatis principis quam potentiae."[149] These considerations of Lucas seem to be more speculative than practical, since he himself conceives the ruler as subjected to natural and divine law and, furthermore, since human law can only derogate and by no means abrogate laws of a higher order. Lastly, the ruler is conceived by him as directly responsible to God for any transgressions of his legislative powers by making inroads on divine or natural law. On the other hand, full abrogative effect is attributed to human legislation, if the ruler as law-giver inserts the above mentioned clause in a new law which is in conflict with civil law: here then the old civil law is abolished to all intents and purposes, an effect which the ruler cannot produce, even if he wanted to, as regards divine or natural law.[150]

In order to fulfill its function, law necessarily imposes restrictions on the free display of human activity.[151] Law provides the mightiest

[147] *Ibid.*, no. 14.

[148] C. x, 40, 9 no. 29: "Leges etiam si sint directe contrariae canonibus, tamen servandae sunt in foro civili, ubi possunt sine periculo animae observari . . . nam servantur canones in foro ecclesiastico." Cf. also Roscoe Pound, "The Church in Legal History," *Jubilee Law Lectures*, School of Law, Catholic University of America (Washington, 1939), pp. 72 ff.

[149] C. xi, 16, 1 no. 2.

[150] *Ibid.*, "Imperator aliquando condit legem et tunc valet contra jus divinum, naturale vel gentium, non ut abroget, sed ut deroget . . . et non valet, nisi dicat 'non obstante', etc. . . . et sic magis ex defectu voluntatis principis quam potentiae . . . aut contra jus civile, etiam ut abroget, si dicit 'non obstante'".

[151] C. x, 52, 6 no. 8 and xi, 18, 1 no. 14: "Leges quoque factae sunt, ut humana coerceatur audacia et tuta sit innocentia."

protection for the socially inferior, who thereby obtain equality and may effectively pursue their rights.[152] The laws are "certissima humanae vitae solatia," form the strongest defence of the weak against arbitrary encroachments by more powerful members of society and appropriately check the latter's activities.[153] Security, Lucas is anxious to point out, is the achievement of the reign of law: "Unde securitas venit et conscientia proficit." In this way he imagines that social and civil servitude, "the image of death,"[154] can be evaded and the aim of social life be realized, namely, liberty which is the "lumen vitae nostrae."[155]

Finally, Lucas repudiates the idea that law exempts any individual from its observance. The head of the state, therefore, is not excluded. On the contrary, he above all has to set an example to his subjects by scrupulously strict observance of the laws which are to be a guide to his subjects no less than to himself: "Officium enim cuiusque regentis non solum in danda, sed etiam in observanda disciplina consistit," Lucas declares and continues: "Omnes enim decet obedire legibus et secundum eas vivere, et omnes obediant legi et succumbant justitiae sanctioni. Imperator quippe recte et competenter exornare debet traditam sibi rem publicam."[156] The conduct of the head of the state should not be repugnant to the spirit and content of the laws, the creation of which is his vocational office: "Optandum est, ut hi, qui rei publicae praesunt, legum similes sunt."[157] Nevertheless, Lucas is aware of the importance of the Roman dictum that "princeps legibus solutus est," but he interprets it in a way that deserves mention. The meaning of this dictum is, according to him, that there is no need to subject the ruler to the external force of law, since he is presumed to govern on the basis of his innate sense of justice.[158]

The presentation of the theory of law as expounded by the Neapolitan doctor, Lucas de Penna, will have revealed his attempt to formulate a general theory of the foundations of the whole legal order. His doctrines permit of the conclusion that he viewed legal rules as the expression of the contemporary philosophical outlook on life; they

[152] C. x, 70, 4 no. 6.
[153] C. x, 31-33 no. 33: "Infirmorum auxilia, potentiorum frena."
[154] C. xii, 63, 1 no. 73½. [155] *Ibid.* [156] C. x, 8, 3 no. 3.
[157] C. xi, 26, 1 no. 9. [158] C. x, 26, 4 no. 2.

emanate from a fixed moral basis. His disquisitions show his endeavors to explain the law of his time on the basis of Christian moral philosophy. Orientation of thought and methodology are at once unequalled and original. Lucas's legal philosophy is a magnificent attempt in the constructive and creative application of moral-philosophical ideas to the fundamental ideas of law.[159]

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[159] This article is a very short summary of Lucas de Penna's views on the foundations of law. His legal and political theories are developed, elaborated and contrasted with contemporary opinions in my book, *The Mediaeval Idea of Law as Presented by Lucas de Penna. A Study in Fourteenth-century Legal Scholarship*, to be published by Messrs. Methuen and Co. Ltd., London.

CHAPLAINS IN THE AMERICAN REVOLUTION

DURING the American Revolution the clergy were not idle spectators indifferent to the outcome of the struggle. On the contrary, such was their activity that it was acclaimed by the patriots and denounced by their opponents. The sentiments of the Loyalists were voiced by Rivington's New York *Gazeteer* early in March, 1775, when the patriotic clergy were characterized as "ministers of the Gospel, who, instead of preaching to their flocks, meekness and sobriety . . . and a steady obedience to the laws of Britain, belch from the pulpit, liberty, independence, and a steady perseverance in endeavoring to shake off their allegiance to the mother country." But as the ties between pastor and parish were close, as their interests were largely common, patriots turned to their clergy for enlightenment, approval, and guidance. Far from looking askance at participation in what was chiefly a political matter, they expected the clergy to take part in the struggle for a common freedom. By and large the clergy measured up to the expectation of the people; in some instances they surpassed it. Their activity was many-sided and effective; they distinguished themselves in arousing enthusiasm and patriotism, in promoting enlistments, and as propagandists; a number, under the inspiration of the hour, forsook the pulpit to join the ranks.[1] These and other manifestations of their patriotic ardor have been set forth in detail[2] and there is no need to rehearse them. This study, therefore, limits itself to still another phase of their activity, one peculiar to their character as ministers of the gospel, namely their activity as chaplains.

[1] A dramatic scene staged by the Reverend John Peter Gabriel Muhlenberg has become famous. In a sermon he insisted that there was "a time for all things, a time to preach, and a time to fight, and now was the time to fight." The service concluded, he mounted the pulpit, stripped off his clerical attire, and, standing in the uniform of a colonel, he read his commission and ordered the drummers "to beat up recruits." Spurred by his example, some three hundred of his parishioners enlisted under his command. This regiment, the Eighth Virginia, largely German, was noted for its discipline and bravery.

[2] Cf. Alice M. Baldwin, *The New England Clergy and the American Revolution* (Durham, 1928). Also J. T. Headley, *The Chaplains and Clergy of the Revolution* (Springfield, Mass., 1861).

Because of the indefiniteness and elasticity of the term it is not easy to write about chaplains in the American Revolution. Chaplains to American military forces were, of course, not a novelty; in the several conflicts with the French and Indians, ministers had participated more or less in the role of chaplains as we understand the term.[3] We say more or less, because at that time the distinction between chaplain and soldier was not as clear cut as now. Today chaplains are denied all participation in combat and must confine themselves to spiritual assistance to the men of whom they have charge, but in those times chaplains did on occasion actually cross swords with the enemy, fighting as common soldiers in the ranks.[4] Moreover, all who ministered to the troops, however shortlived or unofficial their ministrations, were known as chaplains. There were chaplains to the Continental troops, chaplains to the militia, and chaplains to groups known as irregulars. These occasional chaplains may have been numerous but they have left scant record of their services, while militia chaplains appear to have come and gone as readily as the militia themselves. Our interest, therefore, centers almost exclusively on the regular chaplains of the Continental Army, concerning whom trustworthy information is available. We prescind, moreover, from the chaplains with the French forces.[5]

At the outbreak of hostilities there were no military chaplains, no system of appointing them, no machinery for doing so, for the reason that neither the civil government nor the army was fully organized. It is no exaggeration to say that the forces about Boston, over which Washington took command, were as yet no army. Until its organization was worked out and until it was welded into an efficient instrument, the question of chaplains was pushed into the background. Meanwhile, and to some degree throughout the war, there was overlapping, as some chaplains were appointed by state civil officials, some by the commander-in-chief or the commanding officer of the regiment, some were elected or chosen by groups of soldiers, while still others volunteered their services whenever troops happened to be in the

[3] Charles H. Metzger, *The Quebec Act* (New York, 1936), p. 13.

[4] Headley, *op. cit.*, p. 72.

[5] On this subject cf. Aidan H. Germain, *Catholic Military and Naval Chaplains, 1776-1917* (Washington, 1929).

vicinity. According to one authority, the common practice in the early days of the Revolution was that the colonel commanding a regiment, acting upon the advice and consent of the other officers, appointed the chaplain.[6] No doubt this was a common practice, to disappear only with the discontinuance of regimental chaplains by the introduction of brigade chaplains, but state legislatures interested themselves early in the problem. Massachusetts, within whose territory the armed forces were campaigning, appears to have been the first to take action. On May 25, 1775, a committee of the Provincial Congress of Massachusetts reported that "several ministers of the religious assemblies within this colony have expressed their willingness to attend the army in the capacity of chaplains, as they may be directed by the Congress."[7] Accordingly the legislature resolved

> that it be and is hereby recommended to the ministers of the several religious assemblies within the Colony, that, with the leave of their congregations they attend said army in their several towns to the number of thirteen at one time, during the time the army shall be encamped, and that they make known their resolution to the Congress thereon, or to the committee of safety as soon as may be.[8]

Massachusetts' example was followed by New Hampshire on April 4, 1777, when the legislature voted "that the Revd Mr. Hibbert of Claremont be and hereby is appointed chaplain . . . to Col. Hale's Battalion,"[9] and five days later they decreed "that the Revd Mr. Samuel Cotton of Lichfield be chaplain . . . of Col. Joseph Cilley's Continental Battalion."[10] That other states were not far behind in providing for the spiritual needs of their citizens under arms, is evident from the warrants drawn up by Connecticut for use in this connection.[11]

When Washington assumed command of the army about Boston on July 3, 1775, many weighty problems awaited solution, but while he was still preoccupied with purely military issues he was forced to take

[6] Germain, *op. cit.*, p. 12.

[7] Headley, *op cit.*, p. 61.

[8] *Ibid.*, p. 61.

[9] Nathaniel Boulon (Ed.), *State Papers—Documents and Records Relating to the State of New Hampshire from 1776-1783* (Concord, 1874), III, 532.

[10] *Ibid.*, VIII, 537.

[11] Headley, *op. cit.*, 62 note.

cognizance of a quarrel among men of the cloth. It was an inauspicious introduction to a problem which was to command his interest throughout the war. In May, Generals Varnum, Greene, and Hitchcock, commanding the Rhode Island regiments, appointed the Reverend John Murray their chaplain. As the choice did not meet with the approval of the other chaplains, who regarded Murray's religious views as ultra-liberal and heterodox, they protested his selection, and, it would seem, refused to recognize him as one of their number. Such acrimony ensued that Washington was obliged to intervene. General Orders of September 15 announced that "the Revd Mr. John Murray is appointed chaplain of the Rhode Island Regiments and is to be respected as such."[12] That the spiritual interests of his men be provided for was ever the concern of the commander-in-chief. This is why he appointed the Reverend Abiel Leonard, whom he esteemed, chaplain to the Regiment of Artillery under Colonel Knox and the Twentieth Regiment under Lieutenant Colonel Durkee.[13] For this reason, too, in General Orders for February 20, 1776, he informed the brigadiers who had failed to comply with the Orders of the seventh "respecting the Arrangements of Chaplains" that he expected an immediate report from them;[14] and in General Orders for July 9, he directed the colonels or commanding officers of each regiment to procure a chaplain. Likewise in a communication to Colonel George Baylor, dated May 23, 1777, he reminded him that a chaplain "is part of the Establishment of a Corps of Cavalry," observing moreover, "I see no Objection to your having One, Unless you suppose yours will be too virtuous and Moral to require instruction."[15] Other instances of Washington's interest in chaplains will appear later.

Congress, too, interested itself in the spiritual advisers of the soldiers. In this connection there arises the question as to whom belongs the distinction of being the first chaplain appointed by Congress. In

[12] John C. Fitzpatrick (Ed.), *The Writings of George Washington*, 37 vols. (Washington, 1931-41), III, 497. Murray served only from September to December, 1775.

[13] *Ibid.*, IV, 307.

[14] *Ibid.*, IV, 341.

[15] *Ibid.*, VIII, 109.

the *Annals of the American Pulpit*[16] it is asserted that when the troops of General Thompson were ordered to Canada, Daniel McCalla was chosen by Congress chaplain of that corps, and that he was, moreover, "the only Chaplain that Congress did appoint," because subsequently it was agreed that the commanding officers of each regiment should supply the chaplain. This statement appears to be incorrect on several counts. In the first place diligent search of the *Journals of the Continental Congress* reveals no such appointment of McCalla. Moreover, when General Arnold undertook the invasion of Canada, the military instruction issued to him by Washington reminded him that while "Prudence, Policy, and a true Christian Spirit, will lead us to look with Compassion" on the errors of the Canadians, nevertheless, he was to be "very cautious of violating the rules of Conscience in others, ever considering that God alone is the Judge of the Heart of Man, and to Him alone in this Case they are answerable."[17] "As the Contempt of the Religion of a Country," continued Washington, "by ridiculing any of its Ceremonies or affronting its Ministers or Voteries has ever been deeply resented, you are to be particularly careful to restrain every Officer and Soldier from such Imprudence and Folly and to punish every Instance of it."[18]

Hence, in so far as it lay in his power, Arnold was "to protect and support the free Exercise of the Religion of the Country and the undisturbed Enjoyment of the rights of Conscience in religious Matters, with your utmost Influence and Authority."[19] However unpalatable such orders may have been, Arnold, as a good soldier, knuckled down to their observance. Accordingly, when he recruited two regiments of Canadians, he appointed Father Louis Eustace Lotbinière chaplain of the one under Colonel Livingston.[20] By this act of January 26, 1776, Arnold achieved the distinction of appointing the first, and the only,

[16] William B. Sprague (Ed.), *Annals of the American Pulpit*, 9 vols. (New York, 1859-1869), III, 320.

[17] Fitzpatrick, *op. cit.*, III, 492.

[18] *Ibid.*, III, 495.

[19] *Ibid.*, III, 495-96.

[20] To the other Canadian regiment under Colonel Hazen, James Armstrong of New Jersey, Irish by extraction, and a Presbyterian, was assigned as chaplain on November 3, 1776, but the following May he became a brigade chaplain.

Catholic chaplain of the Revolutionary War. On August 10 of that same year Congress resolved that since Arnold had made this arrangement with Lotbinière, and since the latter had acted in the capacity of chaplain "until the retreat from Canada," the terms agreed upon should be adhered to, and Lotbinière "should be continued a chaplain in the pay of the United States."[21] A quibbler might argue that this was mere ratification of existing terms, but in effect it was tantamount to official appointment. Thus Father Lotbinière emerged as the first chaplain whose appointment was made, or at least confirmed, by the Continental Congress. Finally, the appointment of hospital and garrison chaplains treated below effectively disproves the claim that McCalla was the only chaplain appointed by Congress.

What qualifications fitted a man for the task of guiding his brothers through the spiritual perils that beset them in the army? What qualities were sought in the chaplain? What were the standards, even if circumstances might counsel a deviation from them? According to Headley, whose volume on the clergy in the Revolution entitles him to speak with authority, spiritual qualifications were not the only consideration; in fact, he implies that not infrequently other factors prevailed. He avers that "a vast number were appointed more for their outside general influence, than because they were earnest, self-denying ministers of God." [22] To clarify his words and forestall misconception, he hastens to observe that worthy ministers were "esteemed and valued" but in addition "bold and active patriots" were desired, men diligent in "stirring up rebellion," men whose example and words would encourage the weak and timid, men whose heroism and profound conviction "in the righteousness of the cause they vindicated" would inspire the "brave and true." This summary of qualifications desirable in a chaplain, mirrored the mind of Congress with accuracy. For Daniel Roberdeau, a member from Pennsylvania, in a letter to Washington of May 26, 1777, stated that Congress desired that "pious Clergymen zealously attached to our glorious Cause" be chosen; at the same time he warned that "Drones induced by the loaves and Fishes" would

[21] Worthington C. Ford and Gaillard Hunt, *Journals of the Continental Congress, 1774-89*, 23 vols. (Washington, 1904-1914), V, 645. Hereafter referred to as *Journals*.

[22] Headley, *op. cit.*, p. 58.

frustrate the designs of Congress in attaching chaplains to the armed forces.[23] In short, then, moral worth, coupled with enthusiastic patriotism must mark the chaplain.

What sort of man did the commander-in-chief desire for the position to which he attached so much importance? In the letter to Colonel George Baylor, already referred to, he laid it down as a norm that the chaplain should be "a Man of Character and good conversation, who will influence the manners of the Corps both by precept and example,"[24] and in General Orders for July 9, 1776, he directed those who were to choose chaplains to procure "persons of good Character and exemplary lives." Thus his stress was on moral qualities.

Despite the emphasis of the commander-in-chief on personal worth and moral values, other considerations, such as friendship or admiration, seem to have figured largely in the choice when made by the colonel or commanding officer of a regiment or brigade. If the officer's religious convictions were vague and his church affiliation only nominal, as was not rarely the case, orthodoxy was of little moment; indeed, he was incapable of judging, even supposing he were interested. At any rate contemporary records animadvert quite frequently to the friendship between the chaplain and the commandant of the group to which he ministered. In the case of the Reverend John Murray, to cite but one instance, something other than religion must have induced Generals Varnum, Greene, and Hitchcock to unite in his support, for Greene was a Quaker; that something was admiration for the man regardless of his personal religious creed.

Until the American forces were truly organized the deficiency in chaplains was always great and occasionally tragic. The ratio between the incumbents and vacancies varied constantly and widely. In mid-August, 1775, fifteen chaplains were said to function for twenty-three regiments,[25] while twenty-nine were totally unprovided for; mid-September found twenty regiments supplied and the same number without a chaplain; mid-October showed some improvement, namely twenty to nineteen; mid-November found the figures substantially

[23] Edmund C. Burnett (Ed.), *Letters of Members of the Continental Congress*, 8 vols. (Washington, 1921-36), II, 376. Hereafter referred to as *Letters*.

[24] Fitzpatrick, *op. cit.*, VIII, 109.

[25] Headley, *op. cit.*, p. 62.

unchanged, twenty-one to eighteen; mid-December recorded a recession, nineteen to twenty-two, while by mid-January, 1776, the situation was critical: only nine regiments had chaplains while twice that number were lacking a spiritual leader. Even if we assume that some of these neglected regiments may have enlisted the services of a local minister for a brief period, or at least occasionally, it was nevertheless apparent to all that if the soldiers were not to suffer spiritual neglect the supplying of chaplains must be put on a substantial basis.

By the middle of 1777 American casualties had mounted, and the sick and wounded had to be hospitalized. Provision must, therefore, be made for hospitals and for chaplains to attend the patients. In September, Congress grappled with the problem when it resolved that "establishment be made for a hospital in the respective departments and chaplains be appointed."[26] On the same occasion the Reverend Mr. Noah Cook was made chaplain of the hospitals in the eastern department, an assignment which would seem to have involved travel from one place to another. The following February a chaplain was elected for the hospital of the middle department, the Reverend Mr. James Sproat being chosen by ballot.[27]

A letter from Henry Laurens to Colonel William Malcolm, dated November 8, 1778, reveals that in the previous August the latter had addressed the President of Congress on the subject of a chaplain "to the Garrisons in the Posts on Hudson's River in the Highlands,"[28] a request subsequently renewed by Malcolm. Congress took up the matter in November when ballots were cast and the Reverend Mr. John Mason was elected.[29] Within a week Laurens notified Colonel Malcolm of the act of Congress, subjoining that if Mason had already officiated as chaplain, a memorial certified by Malcolm "will induce Congress to make a proper retrospect."[30]

To one branch of the armed forces Congress eventually judged it expedient to discontinue the services of chaplain. When in May,

[26] *Journals*, VIII, 754.
[27] *Ibid.*, X, 142.
[28] *Letters*, III, 482.
[29] *Journals*, XII, 1091.
[30] *Letters*, III, 482.

1779, the chaplain of light dragoons appealed to the Board of War for his pay, that committee observed that the futility of such an office was obvious because "the almost constantly detached situation of these corps" made it likely that he could hold services for them scarcely once a year. Hence they advocated that the chaplain of the light dragoons be discharged as unnecessary.[31] Congress, upon reviewing the report, concurred in the judgment of the Board of War and decreed accordingly;[32] but this decision was only made on August 23, 1781, two months before Yorktown.

The number of chaplains, and the size of the group to which they should be allotted, long awaited a final settlement. In general, indecision marked the conduct of Congress. The problem was new, information was hard to get, unforeseen difficulties had to be met, various angles had to be considered, Congress' authority in the matter was not defined, and there was always the possibility that recommendations might not be honored by acceptance. Nevertheless, the irresolution and vacillation of Congress led to confusion and uncertainty, and worked hardship alike on the chaplains and the men to whom they ministered.

In General Orders for January 2, 1776, Washington informed the army that it was still undecided whether a chaplain will be allowed to each regiment or whether a chaplain will have care of two regiments.[33] Either adjustment would have improved the status quo, for only nine chaplains were then serving twenty-seven regiments.[34]

Two weeks later Congress resolved that there should be "but one chaplain to every two regiments" of the army at Cambridge.[35] Almost at once, however, John Hancock, the President of Congress, notified the New Hampshire legislature that there should be a chaplain for every two battalions, each battalion to consist of eight companies, that

[31] *Journals,* XIV, 659.

[32] *Ibid.,* XXI, 901-902.

[33] Fitzpatrick, *op. cit.,* IV, 205. Two days before this announcement, Washington had suggested to the President of Congress the appointment of one chaplain to two regiments as a means of making a chaplaincy "worth the Attention" of men "whose lives and conversation are unexceptionable" IV, 197-198.

[34] Headley, *op. cit.,* p. 63.

[35] *Journals,* IV, 61.

is, ninety officers and men.[36] On the assumption that the rule of one chaplain for two regiments was to prevail Washington, on February 7, appointed the Reverend Abiel Leonard chaplain to Colonel Knox's artillery regiment and Lieutenant Colonel Durkee's 20th Regiment.[37] Experience soon convinced Washington that the scheme of a chaplain for two regiments was not feasible because of the frequently unavoidable separation of the two units; he, therefore, suggested one chaplain per regiment.[38] With unusual alacrity Congress complied with the suggestion and legislated accordingly on July 5, 1776,[39] but in less than a year Congress again altered the situation, when as Daniel Roberdeau, a Pennsylvania member, informed Washington on May 26, "Congress has this day made a new arrangmt. of the Chaplain's department by reducing that part of the Staff to one for each brigade."[40] Washington at once took up the subject in a letter to the President of Congress. Assuring the latter of strict attention to the resolutions submitted to him, the commander-in-chief declared that he is "not without apprehensions" that the recent regulation regarding chaplains "will not answer," for last year the plan of a chaplain for two regiments was found unsatisfactory on many counts and it was replaced by "the old mode" of a chaplain for each regiment.[41] In a quandary, Congress instructed Washington to have a return made of all regimental chaplains and submit it for their consideration.

Two days later, June 8, 1777, Washington again addressed Congress at length on the knotty subject.[42] He would order the return and send it as soon as obtained, but delay would be inevitable because many regiments were dispersed. Then, fixing his attention on the recent resolution that substituted brigade chaplains for all others, he asserted that it was universally disapproved of by the brigadiers. To a man they held that compliance was impossible; they anticipated "many inconveniences and much dissatisfaction" if it were attempted; they

[36] *Letters,* I, 462.
[37] Fitzpatrick, *op. cit.,* IV, 307.
[38] *Ibid.,* V, 192-3.
[39] *Journals,* V, 522.
[40] *Letters,* II, 376.
[41] Fitzpatrick, *op. cit.,* VIII, 138-139.
[42] *Ibid.,* VIII, 203-4.

preferred the old arrangement. As a consequence of its application they feared the outbreak of religious disputes, a contingency to be avoided at all cost, arising when men were compelled "to a mode of Worship, which they do not profess." On the contrary, the old establishment, in giving every regiment the opportunity to have a chaplain of its own "religious Sentiments," was more tolerant. Well established precedent, too, gave a regiment a voice in the choice of its chaplain. Moreover, one chaplain was unequal to the duty of caring for a brigade, and even if he could rise to the occasion, since a brigade consisted of four or five, at times even of six regiments, in all likelihood there would be an equal number of "modes of Worship" with violence to all who differed from the chaplain. In conclusion Washington averred that "a principle of duty" had induced him to go into details in regard to the opinion of the officers; in addition, his conviction that Congress had no wish to excite the "smallest uneasiness or jealousy among the Troops" had prompted him to warn them against a false step fraught with dire consequences. The very day that Washington indulged in this plain talk to Congress, General Orders ordained that on the morrow "a return be made of the chaplains of each brigade specifying where they are."[43]

But if Washington supposed that his well-founded views, supplemented by the arguments of the officers, were to prevail, he was doomed to disillusionment. Congress wavered, floundered for a while, then finally came to a decision at variance with his wishes. On July 15, for example, Congress granted discharge from service and permission to return home to those regimental chaplains of the North Carolina brigade who were so minded, while those who chose to remain in service were to be "continued with their Regiments."[44] Thus regimental chaplains were seemingly endorsed. The vacillation of Congress prompted Washington to advise Major General William Heath that since nothing had been done towards reducing the number of chaplains in conformity with the resolve of Congress that there be but one for three regiments, and since it was doubtful whether the resolve would be implemented, the appointment mentioned by him had better be sus-

[43] *Ibid.*, VIII, 202.

[44] *Journals*, VIII, 557, note.

pended for a while.[45] Congress next resorted to a committee charged to repair to the camp and investigate. Their report, submitted on August 5, revealed that the appointment of brigade chaplains had "in some measure been suspended" pending the clarifying of the "sense of Congress."[46]

At this point the transactions become obscure. Had the brigadiers discovered that their fears, as outlined by the general, were unfounded? We do not know. On the surface this implies a remarkable and unlikely *volte face*. At any rate the appendix to the *Journals* of Congress for 1778 records an agreement "to dismiss the Regimental Chaplains, and to constitute Brigade Chaplains with the unanimous concurrence of the Brigadiers."[47] Likewise, General Orders of May 2, issued from headquarters at Valley Forge, directed that divine service be held every Sunday at eleven o'clock, in those Brigades to which there are Chaplains; those which have none to attend the places of worship nearest to them.[48] And three days later General Orders from the same headquarters ordained that the several brigades were to assemble at nine o'clock on the following day when the chaplains will "communicate the Intelligence contain'd in the Post Script of the Pennsylvania Gazette of the 2nd instant"—the treaties with France—to "offer up a thanksgiving and deliver a discourse suitable to the Occasion."[49] Various sources indicate that brigade chaplains were now the rule. A congressional resolution determined the remuneration of such an officer.[50] The Journal of the House of New Hampshire recorded similar provision for the chaplain of General Stark's brigade.[51] Ezra Stiles recorded a visit from "Mr. Evans, Chaplain to G. Poor's Brigade," and from the information gleaned on the occasion he listed the brigades in 1776 with commanding officer and chaplain.[52] To Moul-

[45] Fitzpatrick, *op. cit.*, VIII, 438.

[46] *Journals*, VIII, 609.

[47] *Ibid.*, XII, 1270.

[48] Fitzpatrick, *op. cit.*, XI, 342.

[49] *Ibid.*, XI, 354.

[50] *Journals*, XII, 864.

[51] Boulon, *op. cit.*, VIII, 804.

[52] Franklin B. Dexter (Ed.), *The Literary Diary of Ezra Stiles*, 3 vols. (New York, 1901), II, 318-19.

trie's South Carolina brigade alone no chaplain was known to be assigned.

That the system of brigade chaplains persisted is attested by a resolution of Congress on May 8, 1781, which authorized the commander-in-chief to "arrange the brigade chaplains of the several State lines serving in the army" so that chaplains would not outnumber brigades, and the commander of the southern army to do likewise for his command.[53] Every chaplain deemed supernumerary and certified as such to the Board of War was to be discharged after being remunerated and assured of half pay for life. Identical instructions were forwarded by the War Office to the commanding officer of the Pennsylvania line.[54] Even so, there was still some discrepancy in practice. This, at any rate, seems the obvious inference from the resolution of Congress of June 14, 1781, that the act of May 27, 1777, on the appointment of brigade chaplains was not to be construed as vacating the commission or appointment of regimental chaplains "then holding such commissions and performing the duties thereof." [55]

The length of service of chaplains varied greatly. If a few served five or six years, the service of very many was limited to some months, while still others were with the army for an unknown period.[56] The reasons for so great a turnover are not altogether clear. Voluntary resignations prompted by ill health or family exigencies may have ended some careers, and the changes in policy by Congress may have forced others to discontinue their ministry. Capture by the enemy had the same effect unless a release was obtained. Not infrequently a man served for a period of months or a year, then dropped out of the service to be recruited later. If any saw service from the beginning to the disbanding of the army after the Peace of Paris, they were very few. Ab-

[53] *Journals*, XX, 487-88.

[54] *Ibid.*, 629-30.

[55] *Ibid.*, 644.

[56] Samuel McClintock two months, John Murray and Joseph Perry three, Samuel Cotton four, Thomas Allen five, Thomas Brockway five and one-half, Cotton M. Smith and Francis Winter six, Samuel Eakin, Stephen Johnson, Daniel Sere, and William Tennant seven, Hezekiah Chapman seven and one-half, John Cleaveland, Isaac Lewis, David Osgood, Manassah Smith, Samuel Spring, and Samuel Wood eight, Jabez Thayer nine, Thomas Kendall, Andrew Lee, John Lynd, Amni Robbins, Alexander Stewart, and Joseph Strong ten.

raham Baldwin and Alexander Balmain, for example, were discharged in 1783 but they began service only in 1777; while David Avery, Samuel Blair, and Noah Cook, who began in 1775 or 1776, were relieved in 1780, and Father Louis Lotbinière, David Jones, William Plumb, and William Rogers saw duty from 1776 to 1781.

What remuneration should be awarded to the chaplains? The problem was more complex than it seems. Chaplains could not avoid all expenses; besides, many were married men whose families depended on them as the chief, perhaps the sole, source of support; and in order to give their services to the government some had been obliged to secure vicars to discharge their former parochial duties. Furthermore, Congress and the commander-in-chief, impressed with the importance of the office, were solicitous to make it attractive to the best among the clergy. In the words of Daniel Roberdeau already cited they did not want chaplaincies to be the haven of "drones attracted by the loaves and Fishes."

As early as July, 1775, Congress fixed the pay of colonels at fifty dollars a month, while majors were to have thirty three and one third, captains twenty, privates six and two thirds, and chaplains were to rank with captains in this respect.[57] This amount proved inadequate, and by the end of the year Washington was communicating to John Hancock, the President of Congress, that "frequent applications" had been made to him that the salary of chaplains was too low to interest men of ability, and that certain chaplains were running into debt because their pay was less than they gave their substitutes in the positions they had vacated.[58] Chaplaincies, in his opinion, were too important to be entrusted to any but men who were able and worthy. As remedial measures he suggested an increase of allowance or the assigning of one chaplain to two regiments. This urging bore fruit when Congress in mid-January, 1776, adopted both suggestions, raising the chaplains' pay to thirty three and one third dollars, and enlarging their ministry so as to include two regiments.[59] Without delay Hancock informed the New Hampshire legislature of the twofold decision,[60] using,

[57] *Journals*, II, 220.
[58] *Ibid.*, IV, 197-198.
[59] *Ibid.*, IV, 61.
[60] Burnett, *op. cit.*, I, 462.

however, the term battalion in place of regiment; and this designation is confirmed by the entry in the diary of Richard Smith on the day Congress took action.[61] Early in July, 1776, Congress again restricted the activity of a chaplain to a single regiment, leaving the salary untouched.[62] Washington, however, informed Major General Artemus Ward that as he would see "by their Proceedings, Copies of which in these Instances are all transmitted," alteration had been made in the arrangement of chaplains and their pay advanced.[63] Nevertheless, this increase seems to have been made only on April 11, 1777, when forty dollars was fixed as the chaplain's pay,[64] confirmation of which was at once sent by Washington to Generals Heath, McDougall,[65] and Parsons.[66] Still other changes came late in May when Congress resolved that each brigade chaplain be allowed "the same pay, rations and forage that is allowed to a colonel in the same corps,"[67] and in September when hospital chaplains were permitted "sixty dollars a month, three rations a day and forage for one horse."[68] When brigade chaplains were decided upon Congress took pains that they be recompensed for the period of service between their certification by the brigade commander and ratification by Congress, deduction being made, however, for the amount received meanwhile as regimental chaplains.[69] Finally, the surrender of Cornwallis at Yorktown aroused the most generous impulses of the commander-in-chief of the victorious American army. In General Orders for October 30, 1781, he directed that every officer, chaplains included, was to receive "on account of his pay to the amount of twenty pounds (dollars at six shillings)."[70]

In general, the affairs of individual chaplains seem to have been handled by other regular agencies so that few of them found their way

[61] *Ibid.*, I, 313.
[62] *Journals*, V, 22.
[63] *Ibid.*, 243.
[64] *Ibid.*, VII, 256.
[65] *Ibid.*, VII, 430.
[66] *Ibid.*, VII, 440.
[67] *Ibid.*, VIII, 390. Cf. also Burnett, *op. cit.*, II, 376. The chaplains to the garrisons of the forts on the Hudson River were to be entitled to the pay and subsistence of a brigade chaplain. *Journals*, XII, 1091.
[68] *Ibid.*, VIII, 754.
[69] *Ibid.*, XII, 864.
[70] Fitzpatrick, *op. cit.*, XIII, 300.

into the journals of Congress. An outstanding exception to the rule, however, was Father Louis Lotbinière who is mentioned scores of times. For reasons unexplained his salary alone commanded the attention of Congress so frequently that it became little short of an annoyance. The first entry in the *Journals* is for August 10, 1776, when Congress resolved that since General Arnold had appointed the Reverend Mr. Louis Lotbinière, on the previous January 26, chaplain to Colonel James Livingston's regiment, and had promised him "£14 10 per month including rations," there is now "a balance of £46 17 = 124 84/90 dollars due."[71] This amount should be paid and Lotbinière should be retained as chaplain. In October, the Committee of the Treasury examined and certified the accounts of John Gibson, auditor-general, one item being—"M. Lotbiniere, a French chaplain, one month's pay and rations 41(D1s) 30(90 ths),"[72] and they made a like report in mid-November.[73] Thereafter such reports were made at irregular intervals.[74] In August, Congress made good the difference between the pay actually received by Lotbinière and that to which he was entitled.[75] Throughout the years 1778 and 1779, with the exception of April, 1778, monthly payments were made. But new complications developed, and in August, 1780, we find Congress striving to adjust the accounts of Father Lotbinière "so that he may receive the full benefit of the stipulation" made to him by General Arnold and subsequently ratified by Congress.[76] But this injunction may have been ineffective, for late in October Congress acknowledged the receipt of a letter "from Mr. Lotbiniere" and ordered the issue of a warrant on the treasurer "for ten thousand dollars, continental currency."[77] Father Lotbinière ended his career as chaplain on January 1, 1781, with con-

[71] *Journals*, V, 645.

[72] *Ibid.*, VI, 892. We have been unable to discover why the salary was figured in this way.

[73] *Ibid.*, VI, 940-41.

[74] On January 29, 1777 (VII, 69), March 14 (VII, 176), June 9 (VIII, 430), July 10 (VIII, 543), September 13 (VIII, 740), December 10 (IX, 1016).

[75] *Ibid.*, VIII, 633. That same day Congress likewise indemnified the Reverend Robert M'Murdie, "for extra services as chaplain to Col. Jacob Clotz's battalion."

[76] *Ibid.*, XVII, 757.

[77] *Ibid.*, XVIII, 968.

siderable pay still due him, so that on February 8, the War Board, having examined his recent letter to Congress, ordained the issue of a warrant on Thomas Smith, commissioner of the continental loan office for the state of Pennsylvania, for "ten thousand dollars of old emissions, . . . in part of a warrant which the said Mr. Lotbiniere has upon the treasurer for money of the new emission."[78]

Washington's interest in chaplains was genuine. If misfortune befell any of them his sympathy was aroused and he was spurred to action. Sometimes, however, his power of amelioration was limited, and in that case he could only use his influence with Congress. Thus on September 4, 1778, he addressed the president of that body in behalf of the Reverend Mr. John Tetard, chaplain of New York troops, enclosing a memorial from the gentleman.[79] Washington certified that Tetard appeared to be "a Man of great merit" who by every account had suffered greatly in the present contest. In his opinion Tetard's "attachment, services and misfortunes" made him worthy of "generous notice," but according to army regulations he was unable to make any provision for the man, wherefore he commended him "to the attention and consideration of Congress." On September 8, the letter of Mr. Tetard was referred to a committee of three,[80] but no further action is recorded in the *Journals,* Washington's recommendation notwithstanding.

Chaplains who were made prisoners of war elicited Washington's special interest. He advocated their exchange or release; he took steps to effect such an adjustment; he adhered faithfully to the commitment agreed upon and he insisted that others do so.[81] Only in April, 1780, did Washington's plan for what he considered correct treatment of chaplains come to fruition. Writing from headquarters at Morristown to General Arthur St. Clair he informed him that a Mr. John Beatty was about to be instructed "to interchange a certificate with Mr. Loring" whereby chaplains were not to be regarded as prisoners of war but released immediately upon capture.[82] But Washington would not

[78] *Ibid.,* XIX, 131.
[79] Fitzpatrick, *op. cit.,* XII, 401.
[80] *Journals,* XII, 891.
[81] Elsewhere the American chaplains who fell into enemy hands are mentioned.
[82] Fitzpatrick, *op. cit.,* XXVIII, 202.

commit himself blindly. Accordingly he directed Beatty to submit the draft obtained from Loring, as well as the one designed for him, so that both might be scrutinized before the official exchange.[83] This interchange of documents was made at Amboy and ratified by Washington and Sir Henry Clinton. Early in June Washington notified Abraham Skinner of the receipt of a letter "from a Mr. Frazier at Rutland, a Chaplain to the 71 Regt.," and charged him to take the first opportunity to give the necessary orders for compliance with the agreement "to release all Gentlemen of the Cloth."[84] In July, 1781, he wrote the Board of War, acknowledging the receipt of letters "from two Chaplains of the German Regts on the subject of their release," reminded the Board of the stipulation that "all Gentlemen of that Function" should be mutually released, and pressed them to instruct Colonel Ward to permit "not only them but all others to go to New York."[85] Because of his adherence to the wording and spirit of the covenant exempting chaplains from "Detention by Capture or Parole," Washington was chagrined when the British failed to do the same for the Reverend John Hurt, as he informed the prisoner.[86] What reason could justify his detention? In addition to the mutual compact there was the fact that several British chaplains had been released without compensation of any kind. And when Sir Guy Carleton proposed the renewal of the cartel Washington seconded the proposal in a letter to "the Secretary at War"—unless they held "commissions in the line" chaplains were "not proper Subjects to be retained as prisoners of War," "and no ill consequences would ensue" from liberating those already in our possession.[87] To this effect he wrote General Carleton,[88] adding that such had been the practice since the agreement made at Amboy. Instructions to Generals Heath and Knox were of a like tenor.[89]

If Washington was prepared to give chaplains "his utmost encouragement and support on all occasions," in turn he looked for observance

[83] *Ibid.*, XVIII, 216.
[84] *Ibid.*, XVIII, 475.
[85] *Ibid.*, XXII, 344.
[86] *Ibid.*, XXIII, 139.
[87] *Ibid.*, XXV, 26.
[88] *Ibid.*, XXV, 38.
[89] *Ibid.*, XXV, 196.

of those disciplinary regulations which pertained to them. Article IV of Section I of the Articles of War prescribed that every chaplain commissioned to a regiment, company, troop, or garrison who, excepting cases of sickness or duly granted leave of absence, absented himself from his group, should be court-martialed.[90] At their discretion the judges might impose a fine, the amount not to exceed a month's pay, in addition to loss of pay during absence, or they could discharge the delinquent from service. And there is record of the full penalty being inflicted with tragic result on one offender, although he was known to stand high in Washington's estimation.

After Yorktown a disposition to relax discipline grew in the army, and chaplains did not escape the contagion. Lengthy General Orders issued from headquarters at Newburgh on February 15, 1783, denounced this tendency and singled out the chaplains for special animadversion.[91] The general expressed astonishment that the chaplains "have frequently been almost all absent at the same time." This he ascribed to the delusion that they could be of no service during the winter season, a presumption he challenged, observing pointedly that propriety suggested that he be judge of that matter. Consequently, in the future no furloughs were to be granted unless approval had previously been granted by headquarters. Moreover, all those who were away from their posts without such approbation were to be recalled immediately by their commanding officer, and henceforth not more than a third of the chaplains should "be indulged with leave of absence at a time." To systematize the procedure chaplains must agree among themselves as to the time and length of furlough before they made application at headquarters. Finally, the general expected that, in addition to public functions, chaplains in turn attend the hospitals and visit the sick. In thus discharging the public and private duties of their office they would be assured of his "utmost encouragement and support on all occasions," and the esteem of the whole army.

If Washington was insistent on discipline, he was simply adamant when loyalty was in question. Here there could be no yielding, no compromise or tolerance, even if the one concerned be a chaplain.

[90] *Journals*, V, 789.

[91] Fitzpatrick, *op. cit.*, XXVI, 135-6.

Thus, when addressing the Board of War late in May, 1779, he enclosed a copy of a letter from Mr. Boudinot, remarking sharply that if the charge be true, the chaplain on board the *Confederacy* appeared unfitted for such a charge and merited "a different kind of notice."[92]

Naturally, the question arises in what measure the various denominations contributed to the roster of chaplains. In a general way the religious map of the colonies at the time of the break with England shows Congregationalists predominant throughout New England, except in the Baptist stronghold in Rhode Island; Presbyterians numerous in New Jersey, New York, and on the frontier extending south from western New York; the Church of England, or Episcopal Church, strongest in Virginia, but claiming adherents in all the southern colonies; Quakers located in and about Philadelphia; and Catholics confined to Maryland and the area around Philadelphia. At that time, too, the terms Congregationalist and Presbyterian were frequently interchanged. How completely the Congregationalist group prevailed in Massachusetts is revealed by a study of that confession which discloses that in 1770 there were 294 Congregationalist churches in contrast to eighteen Quaker, sixteen Baptist and eleven Episcopal.[93] Connecticut was perhaps just as completely taken over by that denomination, and New Hampshire, too. Since it is well known that the Congregationalist clergy espoused the colonial cause enthusiastically and were vigorous in its support,[94] one should expect that large numbers of them would give their services to the Continental Army. How many served in the ranks or as officers is beyond the scope of our inquiry; neither are we interested in militia chaplains.[95] Expectation that Congregationalist ministers preponderated in the army is found to rest on solid basis. Of the 117 chaplains listed by Heitman,[96] fifty

[92] *Ibid.*, XV, 126.

[93] Joseph S. Clark, *Historical Sketch of the Congregationalist Churches in Massachusetts, 1620-1858* (Boston, 1858), p. 193.

[94] Baldwin, *op. cit., passim.*

[95] Sketches of some of these are to be found in the *Dictionary of American Biography*, while others are in such works as *Yale and Her Honor Roll in the America Revolution* by the Reverend Henry P. Johnston (New York, 1888). These latter were all Congregationalists.

[96] Francis B. Heitman, *Historical Register of the Officers of the Continental Army during the War of the Revolution.* Heitman lists 117 names. One appears to be an error arising from a misreading of chaplain for captain; five are

were Congregational and twenty-one Presbyterian. If these figures are added we observe that the Congregationalists contributed nearly two-thirds of the total, while if they are kept distinct they still have credit for slightly less than half of the whole number. Surprisingly though, Connecticut with its twenty-three or twenty-four recruits exceeded Massachusetts with its sixteen or seventeen.

The Baptist record stands at eight chaplains, three from Pennsylvania, and only two from the Baptist haven of Rhode Island. Quakers, of course, were not represented in the corps of chaplains, for not only did their creed prohibit participation in warfare but the group also lacked an organized ministry.

It will astonish many to learn of the response of the clergy of the Church of England or Episcopal Church. Those who were stipendiaries of the Society for the Propagation of the Gospel "were in nearly every instance Loyalists," [97] as was natural in men whose outlook and interest was English rather than American. And for reasons which need not detain us Charles Inglis, Samuel Seabury, and T. B. Chandler, all outstanding Episcopal clergymen, were among the most capable and determined opponents of the American colonists; but among the incumbents of the parishes in Virginia, and elsewhere in the South, patriots abounded. The claim is made that of the twenty in South Carolina only five adhered to the Tory cause and left the country. Of the ten Virginia chaplains all but one were of that creed, while Pennsylvania, North Carolina, and Georgia each had a representative, and South Carolina had two.[98] These men led rather than followed their flocks in resisting the arbitrary measures of the British Parliament and Crown. By word and example[99] they equalled the most patriotic of the laity.

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militia chaplains. Identifying denominations is a laborious task, not always successful. Eighteen have defied all efforts to ferret out this point of information. Neither could the respective state historical societies, when appealed to, give any enlightenment. Of the unidentified, six were from Massachusetts and three from Pennsylvania.

[97] William S. Perry, *The History of the American Episcopal Church, 1587-1883*, 2 vols. (Boston, 1885), I, 448.

[98] The denomination of Maryland's two chaplains is not known.

[99] The case of the Reverend John Peter Gabriel Muhlenberg has already been cited.

In Revolutionary America, Catholics were so few that they numbered only about one percent of the population, and these few were limited to Maryland and the Philadelphia area. In view of the savage outbursts of bigotry occasioned by the religious clauses of the Quebec Act,[100] and the genuine, if unfounded, anti-Catholic fears that possessed many hearts, no exclusively Catholic regiment would be embodied. Moreover, men of other creeds, given the spirit of the times, would not tolerate a Catholic chaplain for their regiment. Besides, Catholic priests were so few and so overburdened with the care of their flocks, that they could not absent themselves without spiritual disaster overtaking their people. These circumstances explain why the Catholic clergy of the new states were unrepresented in the army.[101] One priest, however, the Canadian, Father Louis Lotbinière, was appointed by Arnold and confirmed by Congress chaplain of Colonel Livingston's regiment recruited of Canadian Catholics. Claims have been advanced for others, notably Fathers Gibault, Floquet, and de la Valinière. Gibault did, indeed, act as chaplain to General Clark's forces in Illinois, but whether he was commissioned is doubtful; it is certain, however, that the *Journals* of Congress mention no commission. And Floquet writes of himself as "a quasi-chaplain, in unofficial capacity," of whom there were many. Apologists for De la Valinière allow their enthusiasm to run away with their scholarship when they treat him as a chaplain with Hazen's regiment but "adduce no evidence to support their contention."[102] The fact that in defiance of Bishop Briand he administered the sacraments to Hazen's levies, is no proof that he was a chaplain in the technical sense. Thus it seems that to Father Lotbinière belongs the distinction of being the only Catholic chaplain in the American army.

An analysis of the state origin of chaplains is not without interest. The honor of topping the list seems to belong to Connecticut with twenty-six or twenty-seven (William Barton we are assured by a competent authority was not a chaplain), and Massachusetts with twenty-six. Then comes a notable falling off with Pennsylvania cred-

[100] Metzger, *op. cit., passim.*

[101] For the chaplains with the French army and navy, cf. Germain, *op. cit.*, pp. 24-31.

[102] Germain, *op. cit.*, p. 11.

ited with fifteen, Virginia ten, New Hampshire nine and New York seven. A third group with low figures includes New Jersey, North Carolina, and Georgia with four each, Rhode Island and South Carolina with three, Maryland and Delaware with only two. These total 115. The state origin of Elihu Spencer is not known, and Father Lotbinière was a Canadian. Thus the 117 chaplains listed by Heitman are all accounted for. If the population of the respective states is considered, New Hampshire made a most creditable showing, while Rhode Island and New Jersey failed to distinguish themselves, and Maryland made the poorest record. Of Delaware alone are we certain that all the chaplains were of one denomination, her two representatives being Presbyterians; but if the creed of two of New Hampshire's chaplains could be ascertained we might discover that she enjoyed the same uniformity. Pennsylvania and New York reveal the widest diversity in the religious affiliation of chaplains, the former contributing six Presbyterians, two Baptists, two German Reformed, one Episcopal, one Congregationalist, and three of unknown creeds, while the latter supplied four Presbyterians, one Baptist, one Congregationalist, and one French Reformed.

Fortunately, we are not left in the dark as to the designs of Congress in authorizing chaplains, for a letter of Daniel Roberdeau to Washington, dated Philadelphia, May 26, 1777, reveals their purposes.[103] In general "the new and honorable Establishment of the Chaplains' department" was to promote religion, morals, discipline and morale. Specifically, in the safeguarding and furtherance of morals they were to aim at suppressing "the horrid sins of Cursing, swearing and other Vices with which . . . our Army vies with the most abandoned English troops," and to "recommend cleenlyness as a virtue conducive to health, and to reprehend the neglect of it." In passing we may observe that this putting of moral standards on a utilitarian basis, namely that of health and disinclination to be as the enemy at his worst, was not apt to sway a man under the influence of habit or passion. Discipline was to be advanced by the chaplains through "publick and private exhortations to obedience to General and Regimental Orders," and morale was to be fostered by "discouraging De-

[103] Burnett, *op. cit.*, II, 376.

sertions," recommending and praising the service, and by encouraging men to enlist. Seconded by General Orders and supplemented by the blessing of heaven, these and other desirable ends might, in Roberdeau's judgment, be attained by pious clergymen unsparing of self and zealously attached to our "glorious Cause." Drones, however, attracted by the "loaves and fishes," would wholly frustrate the intentions of Congress. To forestall this calamity, so Roberdeau insists, was his reason for risking what Washington might regard as an impertinent intrusion. Lest the general so consider his communication, Roberdeau assures him that "the honor of God, my countries welfare your comfort and that of every sober officer and man in the Army are my only motives."

There was little danger of Washington considering Roberdeau's letter an impertinence, for on the need and purposes of chaplains he was of one mind with Congress. General Instructions[104] to the colonels and commanding officers of regiments in the Continental service urged them to do their utmost to discourage "vice and immorality of every kind," enjoined regular attendance at "Divine Worship," expressly forbade "gaming of every kind . . . as a foundation of evil, and the ruin of many a brave and good officer," but gave the fullest approbation to "games of exercise for amusement," pressing officers to promote such games among their subordinates. And in terms almost identical with those of the General Instructions, Brigadier General William Smallwood was exhorted and admonished.

Drunkenness and profanity appear to have been besetting sins of the army, and remissness in attending religious services was widespread. At any rate, General Orders insist again and again on the eradication of the two vices and on the presence of the troops at religious exercies. On July 4, 1775, the day after Washington took command, and in the very first orders he issued, the army was reminded that the Articles of War forbade "profane cursing, swearing and drunkenness," and imposed on all officers and men when not on actual duty "punctual attendance on Divine Service to implore the blessing of heaven upon the means used for our safety and defence."[105] Profanity in particular

[104] Fitzpatrick, *op. cit.*, X, 242.

[105] *Ibid.*, III, 309.

aroused the deep displeasure of the commander and prompted him to take stern measures to effect its extirpation. The Articles of War were not suffered to be a dead letter; they were appealed to and enforced with appropriate penalties for infractions. A month after the first General Orders, the army was notified that Captain Ballard of Colonel Frye's regiment had been tried by court martial for "profane swearing and beating and abusing his men," found guilty of each offence in two instances, and sentenced to pay a fine of four shillings for each offence.[106] Another court on May 10, 1776, found its prisoner, a certain Thomas Watkins, guilty of "profane cursing and swearing," and fined him one sixth of a dollar according to Article Three.[107] Most remarkable of Washington's attempts to stamp out profanity are the General Orders of August 3, 1776, from headquarters in New York.[108] Discarding the cold formality usual in such documents the general made this one a personal appeal, giving reasons, and stressing the meanness and irrationality of the practice. It hurt him to be informed that the "foolish and wicked practice of profane cursing is growing into fashion," particularly since this vice hitherto was "little known in an American Army;" he hoped that by example and the weight of their influence officers would strive to check the abuse; both officers and men should reflect that if insult is offered to heaven by such "impiety and folly" the blessing of God on our arms cannot be looked for; and as this vice is so "mean and low," because it is not begotten of temptation, "every man of sense, and character, detests and despises it."

But the bad habit was so deep-rooted and so prevalent that in spite of this strong appeal seconding the efforts of the chaplains, there was little improvement. By the following February, Congress was apprised that "profaneness in general, and particularly cursing and swearing, shamefully prevails in the army of the united states."[109] Disturbed by this condition, a resolution was adopted that General Washington be informed, and that he be requested, in concert with his general officers, to take measures for reform. This resolve of Congress seems disingenuous in the extreme. Surely Congress could not have thought that

[106] *Ibid.*, III, 410.
[107] *Ibid.*, V, 32.
[108] *Ibid.*, V, 367.

Washington was so unobservant as to be unaware of the fact; neither could they have been ignorant of his previous efforts to eradicate the evil practice. On his part the commander-in-chief was genuinely annoyed, for he abhorred indifference and carelessness such as the habit bespoke. Once again in late July, 1779, he made an appeal based on religion, decency, and good order.[110] His logic was inescapable. God's bounty and goodness, he averred, permitted us to exist and enjoy the comforts of life. Nevertheless his name is "incessantly imprecated and prophaned in a manner as wanton as it is shocking." Considerations of religion, decency, and order bound officers of all ranks to use their influence and authority to check a vice "as unprofitable as it is wicked and shameful." While all officers were addressed, the implication seems fairly obvious that chaplains in particular were to renew their efforts to secure proper respect for Him whose ministers they were.

After this earnest effort the records are silent on the subject. Did Washington succeed at last in extirpating a vice he loathed? Did the chaplains rise to the occasion and slay the monster? We do not know; neither do we know how successful they were in recommending "cleenlyness as a virtue conducive to health" and in reprehending its neglect. As we shall see in the study of their sermons, they knew human nature too well to be satisfied with such an ineffectual utilitarian motive as an incentive to virtue or a bulwark against temptation. The records give instances of the infliction of the death penalty for assaults on women, but little information can be gleaned from them as to moral conditions in the army.

The authorities made no mistake in relying upon the chaplains as custodians and promoters of morale and patriotism. In such hands their safekeeping was assured. Convinced as they were of the righteousness of their cause, these men became apostles. Their spirit was infectious; it revived patriotism when it languished, strengthened it still more when it blossomed. Of one of their number it is said that "Mr. Washington was provided with a Chaplain who with a stentorian Voice & an Enthusiastick Mania, could incite his Army to greater

[109] *Journals*, VII, 157.

[110] Fitzpatrick, *op. cit.*, XVI, 13.

ardor than all the Drums of his Regiments."[111] In a literal sense some of them became a force irresistable to their fellows. We must bear in mind that when chaplains were chosen by a regiment, and when some regiments were recruited largely from the chaplain's former parishioners or their neighbors, there existed bonds, otherwise forged with difficulty, if at all. When relations of mutual trust and esteem had prevailed in time of peace, now that pastor and people shared the same hardships and peril in defence of a common cause, it was not unnatural that the young and old men of his flock held him in reverence and affection, and "believed him almost as they did the Bible."[112] And as example is ever more potent than mere exhortation, example was a chaplain's most effective instrument for fostering morale and patriotism. Many are the instances of bravery beyond the demands of duty recorded in documents or enshrined in tradition.

While the chaplain was expected to be mindful of his mission at all times, religious services were the chief means of fulfilling his duty. Washington had the regular and proper worship of God much at heart. Through the medium of General Orders, announcing or ordering services and removing obstacles to attendance, he gave the chaplains his full support. In so far as military necessity permitted, he threw the weight of his authority behind attendance at services. Thus in General Orders on August 3, 1776, he ordained that on Sundays the troops were to be excused from fatigue duty until further orders so that they could attend public worship; exception was made only for those on duty in the shipyards.[113] Likewise he announced that as September 27, 1777—a Saturday—was to be a day of rest for the troops, all the corps to which chaplains were attached were to hold divine service.[114]

Realizing that in time of war Sunday services were not always possible, Washington prescribed that under such circumstances the chaplains consult together, agree upon a suitable time, and inform the com-

111 Baldwin, *op. cit.*, p. 162, quoting Oliver, *The Origin and Progress of the American Revolution*, p. 192.

112 Headley, *op. cit.*, pp. 15-16.

113 Fitzpatrick, *op. cit.*, V, 367.

114 *Ibid.*, IX, 275.

mander-in-chief of their decision.[115] Military discipline required such proceedure, and yet there is reason to suppose that Washington desired this information so as to avoid issuing orders which might conflict with attendance. Moreover, he was not averse to spurring the memory of his men by a repetition of orders that services be held and attended. At Valley Forge in May, 1778, he announced that service was to be held every Sunday at eleven o'clock in those brigades which had chaplains, while those which were not so fortunate were to go to the place of worship nearest to them. And to encourage privates he enjoined on officers of all ranks the necessity of good example to their subordinates.[116]

Neither did he consider that regular Sunday service represented the full extent of man's religious duties. There were special occasions such as fast days and thanksgiving days when additional services were in order; and in such cases he saw to it that official notice admonished the soldiers in advance of the event. In April, 1778, at Valley Forge, fully ten days before the occasion, the information was vouchsafed that on the day set aside for "fasting, Humiliation and Prayer" work was to be dispensed with and suitable discourses were to be delivered by the chaplains.[117] A year later the announcement for a similar occasion forbade all recreation as well as unnecessary labor.[118]

The customary thanksgiving days, as well as special ones also called for extra services, and Washington was very careful to second the legislature, whether state or national, issuing proclamations to this effect. While encamped at Cambridge he embodied a portion of the legislature's proclamation in his own orders.[119] Thursday, November 23, was to be a day on which praise and prayer were to be offered "to Almighty God, the Source and Benevolent Bestower of all good" that He deign to "smile on our Endeavours, to restore peace, preserve our Rights, and Privileges, to the latest posterity; prosper the American arms, preserve and strengthen the Harmony of the United Colonies,

[115] *Ibid.*, IX, 329.
[116] *Ibid.*, XI, 342.
[117] *Ibid.*, XI, 252.
[118] *Ibid.*, XIV, 369.
[119] *Ibid.*, IV, 98.

and avert the Calamities of a civil war." To this end "all Officers, Soldiers, and others" were urged to conform to the proclamation "with the most unfeigned Devotion." The year 1777 was marked by no less than three thanksgiving days, the usual one late in November, a special one because of Burgoyne's surrender,[120] and still another ordained by Congress at the end of the year "to express our grateful acknowledgement to God for the manifold blessings he has granted us."[121] Religious service was an integral part of all such observances and officers and men were urged to attend unless unavoidably prevented.

The period between the end of hostilities and peace is always a difficult one for armed forces. In the eighteenth century, moreover, the winter months, when battle was rare and troops were confined to camps, was also trying. Hence if the interval between the victory at Yorktown in October, 1781, and the peace of September, 1783, was trying, the winter of 1782-1783 was doubly so. Victims of inaction, the troops grew restive as they awaited ratification of the peace terms which for most of them meant discharge and return to civilian status. Under these circumstances it was not easy to maintain discipline or keep morale at a high level. In this emergency the chaplains were called upon. General Orders on February 15, from headquarters at Newburgh, announced that the new building was so near completion as to be available for public worship on the morrow and subsequent Sundays.[122] In rotation the chaplains were to preside. And since it would be necessary for the various brigades to attend at different hours, whenever in the judgment of commanding officers the weather and circumstances warranted, chaplains were to consult their brigade commanders, learn what hour was most convenient, agree among themselves on a schedule of services and report to their respective superiors. In turn these officers were to broadcast the information in their orders, and do everything in their power to promote "public Homage and adoration which are due to the supreme being, who has through his infinite goodness brought our public Calamities and dangers (in all

[120] *Ibid.*, IX, 391.
[121] *Ibid.*, X, 168.
[122] *Ibid.*, XXVI, 135-136.

human probability) very near to a happy conclusion." On this occasion, moreover, Washington reprehended the chaplains for unauthorized absence from camp, laying down regulations for their absenting themselves, and enjoined on them care of the hospitals and the sick. Here was a situation to test their mettle; here were outlets for their zeal, and opportunities for demonstrating beyond peradventure the good judgment of Congress in making chaplains an adjunct to the armed forces of the nation.

In any service conducted by the chaplains the sermon was not only an integral but a preponderant element. On what subjects then did the chaplains discourse? And in what spirit did they hold forth? Fortunately, we need not resort to mere conjecture on these points, for a goodly number of their sermons is extant. If we assume compliance with General Orders it is evident that scores of sermons were delivered to the troops, but as a rule the occasion lacked the solemnity attaching to an address to the legislature or to the people on an officially designated fast or thanksgiving day. In these latter instances the sermon quite frequently was printed to commemorate the occasion or because of its worth, but addresses to the soldiery did not, as a rule, find their way at once into print. Hence their surviving the vicissitudes of war and camp life is all the more remarkable. At this point one is tempted to enlarge the term chaplain so as to consider the addresses to the troops by William Smith, Jacob Duché, George Duffield, and other outstanding clergymen, but we have restricted our study to the official or commissioned chaplains, and besides there is no need to go beyond them, for their compositions survive in sufficient number to warrant generalization after analysis and comment.

The Reverend John Hurt of the Episcopal Church was chaplain to General Weeden's brigade of Virginia troops. In 1777, when they were stationed in New Jersey, he addressed them on "the Love of Country."[123] Taking for his text the fifth and sixth verses of Psalm CXXXVII he dwelt on the nature of the sentiment, the obligations it imposed, and the conduct which was the touchstone of its genuineness. Love of country, he declared, has been extolled beyond other virtues. The word patriot connoted the best that man was capable of. Love of

[123] Frank Moore (Ed.), *The Patriot Preachers of the American Revolution* (New York, 1862), pp. 145 ff.

country lives today; it is not an outmoded or forgotten virtue despite assertions to that effect; it should characterize everyone in his audience, for "we have never yet been conquered; we never yet tamely received laws from a tyrant, nor never will, while the cause of religion, the cause of nature and of nature's God cry aloud, or even whisper resistance to an oppressor's execrated power."[124] It is not in the mere spirit of opposition, he continued, that we drew the sword; it was not to effect conquest but to promote justice; it was not to enslave but to prevent slavery; it was not to further ambition, gratify resentment or pride, but in defence of the plainest rights. At times circumstances not only justify but demand our efforts to promote the welfare of the country by every method known to a civilized people who cherish liberty. Never did a country have better motives for action. Britain, once lauded as the haven and defender of liberty, had fallen from that eminence. Therefore, duty imposed on his hearers ardent and vigorous defence of their cause; it imposed conformity of conduct to the demands of love of country; it exacted subordination of personal interest and inclination; in short, it elevated love of country to the position of being the object of their "warmest wishes, closest attention, and highest admiration."[125] Now the test of love of country is readiness to sacrifice every inclination incompatible with it, to overcome vice, above all luxury which "enfeebles the body, corrupts the mind, impoverishes the fortune, and introduces every baneful cause of ruin." Let us then, he pleaded, "not build too much upon human prospects, or shut God out of our councils and designs," rather let us in all humility have recourse to Him in the conviction that all strength derives from Him. Moreover, by reforming himself, and uniting with others in prayer and good works, each one can contribute to a lessening of "the weight of public guilt." Temperance and patriotism are inseparable. If virtue be wanting there can be no love of country, whence it follows that love of country begets moral conduct, the eradication of every vice, even voluntary denial of innocent amusement. Fortified thus by purity, sobriety, humility, dependence on God and the spirit of self-abnegation, America can face her "unprincipled enemies."

[124] *Ibid.*, p. 151.
[125] *Ibid.*, p. 153.

Quite different in theme and tone was the address of the Reverend Thomas Allen, the Bennington, New Hampshire Congregationalist.[126] With the foe in sight and the onslaught imminent, his words were vigorous and fiery, a ringing incitement to battle. The enemy were mercenaries intent on wasting the land and spreading havoc; his audience on the contrary has every inducement "to play the man, and act the part of valiant soldiers." Their country looked to them for its defence. Upon them hung the fate of their wives, their children, their possessions, their freedom, generations unborn, in a word all that made life worth living. Spurred by these considerations they cannot give way before the enemy. Then he launched upon a stirring exhortation to repentance before the clash of arms: "Turn ye, turn ye, ungodly sinners; for why will ye die? Repent, lest the Lord come and smite you with a curse. Our camp is filled with blasphemers and resounds with the language of the infernal regions. Oh! that officers and men might fear to take the holy and tremendous name of God in vain. Oh! that you would now return to the Lord, lest destruction should come upon you, lest vengeance overtake you. Oh! that you were wise, that you understood this your latter end." And as discipline is the backbone of the army strict attention to duty and punctual obedience are required of all. "I conjure you," he pleaded, "to play the man," to be undaunted by danger, to suffer if need be for a bleeding country. For his part he was resolved "to fight and die" rather than flee from the enemy or surrender—no idle boast but a resolution he shortly carried out, regardless of his clerical character. Rather than quit the field of battle "with infamy and disgrace, I should prefer to leave this body of mine a corpse on the spot." An additional incentive to steadfastness and disregard of danger was the memory of the atrocities inflicted on those who were made prisoners at Fort Washington, whose "blood now crieth to heaven for vengeance and shakes the pillars of the world." Indeed death was preferable to captivity.

Yet another type of sermon is found in the words of the Congregationalist, David Avery, chaplain to Colonel Sherburne's Regiment on December 18, 1777, a day of general thanksgiving throughout the

[126] Headley, *op. cit.*, pp. 144-146.

"United American States."[127] For his text he chose Exodus, XV, 11, and for his topic, God's providence in human affairs. Starting with the premise that a very special providence was vouchsafed to Americans, he displayed no little ingenuousness in discovering blessings and in interpreting events so as to fit them into his pattern. By the light of his theory he was able to discern blessing in every sphere of action and in every event, in defeat no less than in victory. At Lexington, according to his construction, "the sluices of civil discord were opened . . . and innocent blood cried to Heaven from the ground."[128] Heaven was not deaf to the outcry but looked down in pity, and the "Lord appeared in robes of judgement and with stupendous condescension, owned the justice of our country's cause," and seemingly made it His own. There followed an unbroken succession of divine interventions in our behalf. Even in the disastrous invasion of Canada "the Lord's hand" was conspicuous. At the seaside, too, "the Lord was doing great things for us" with the result that fog, wind, and tide combined to cover and aid our escape from Long Island. When Cornwallis advanced on Trenton, "his heart full of wrath, and swords in his lips, breathing forth slaughter, and cruel, dire revenge,"—"the Great Lord of Lords, who sitteth in the heavens, laughed at him, and held him in derision."[129] Burgoyne's surrender was the "mighty and illustrious triumph of the Lord" who forced our foes to yield to that "mighty Invisible Host which they had either blasphemously defied or—proudly declared was in favor of their cause, their King and their expedition."[130] In the South too "very signal was the triumph of Jehovah." And the favor of the Lord extended beyond the field of battle, so that "while our heroes are gasping in their gore, we still share the friendship of many most excellent characters in Great Britain."[131] Behold, he cried, what "great and mighty acts" the Lord has done for a "very sinful, ungrateful people!" Its sinfulness appeared in the fact that

[127] David Avery, *A Sermon Preached at Greenwich in Connecticut, on the 18th of December, 1777. Being a General Thanksgiving through the United American States* (Norwich, 1778).

[128] *Ibid.*, p. 13.

[129] *Ibid.*, p. 25.

[130] *Ibid.*, p. 29.

[131] *Ibid.*, p. 34.

in his audience there were many who, with hearts still unwarmed by love and gratitude to the Author of all mercies, devoted time and talent to "wounding the most sacred fame and honour of the Lord of Hosts." If ingratitude is abhorred by men, how will it be regarded by God? What are profanity and vice but ingratitude and absurdity? "Why," he queries, "should it be thought beneath a Soldier to reverence that Great Awful Name, the LORD, our GOD, the GOD of ARMIES?" In a forceful peroration, he reminded his countrymen that a just cause, such as theirs, postulated holiness in its upholders and champions, and holiness in turn was founded on fear of God and reliance on Him alone.[132]

The Reverend Israel Evans, a Presbyterian divine, was one of the chaplains at Yorktown. After the surrender of the British army he gave a discourse to a brigade of New York troops and a division of American light infantry under the command of the Marquis de la Fayette.[133] His theme was God's favoring of America throughout the war and the obligations arising therefrom. America, he insisted, was a beneficiary of God's special help from the beginning, and through the changing fortunes of war. Such assistance was invaluable because it animated the soldier and drove out all fear. A sense of the righteousness of their cause, and the persuasion that God's blessing was upon them, had strengthened the arms of the people in resisting injustice and aggression. "Adore his mercy and power," he cried out, "which has given us the victory over our enemies." He then broke into a paeon of thanksgiving for the victory achieved. To whom shall we give thanks, he asked. Not to our commanders and armies, valiant though they be, he replied, but to the name of the Lord, who "taught our Senators wisdom, and girded our soldiers with courage and strength." The Lord fought for us. He supported us; He gave us victory. As proof Evans instanced Britain's superior resources but scant success contrasted with America's meagre resources and as-

[132] *Ibid.*, pp. 43-44.

[133] Israel Evans, *A Discourse Delivered Near York in Virginia on the Memorable Occasion of the Surrender of the British Army to the Allied Forces of America and France before the Brigade of New York Troops and the Division of American Light-Infantry Under the Command of the Marquis de la Fayette* (Philadelphia, 1782).

tounding victories. Moreover, when our plight was most desperate the Lord inspired the French to come to our rescue. But after rendering thanks to God, gratitude is also due to Washington, who in his enthusiasm he declared to be faultless, and likewise to our devoted friends the King of France and the officers of his army. We are indeed the recipients of great favors, but great blessings are always linked to great obligations. It follows that we must be truly grateful, but how can a sinful people be a grateful people? Obviously, in view of the blessings showered on us by God our gratitude should be as "enduring as monuments."

Two years later Israel Evans spoke to a brigade of Continental troops in New York, the occasion being a day of thanksgiving for the "Blessings of Independence, Liberty, and Peace."[134] Some of the ideas and sentiments of the sermon just considered reappear in the later effort, but there is added the pungent ingredient of denunciation of the enemy for his crimes. This seems due to the circumstance that the idea paramount in the rather rambling discourse is the analogy between Israel delivered from bondage and America rescued from oppression, with consequent sentiments of joy and gratitude and their proper manifestation. He bids his hearers rejoice that "so large a portion of this world is rescued from the calamities of slavery and war," brought on by the avarice and tyranny of the enemy in attempting to bind us in all cases whatsoever. Our attainment of freedom obliges us to be grateful, to the French people and king, for example, by whose alliance and assistance our marvelous "deliverance from the unexampled cruelty of Britain" was effected. In the last analysis, however, our deliverance is due to God, for He fought for us, He gave us victory. At this point Evans abruptly fixed his attention on the age that had produced "Louis and Washington." "This is that age of the world," he exclaimed, "in which, I thank God, that it was my happy lot to be born."[135] There follows an indictment of Britain, a catalogue of her crimes, among them unprovoked murders, inhuman and unnecessary shedding of captive blood, prison ships, dungeons, and jails.

[134] Israel Evans, *A Discourse Delivered in New York before a Brigade of Continental Troops, and a Number of Citizens, Assembled in St. George's Chapel, 11 December, 1783.*

[135] *Ibid.*, p. 14.

What about the victims of these practices? Unfortunate they are, and to be pitied. Should they also be revenged? No, he answers, for, imbued with Christian sentiments "they would ardently pray you to forgive your and their enemies, rather than to indulge any ignoble passion of resentment or revenge." Such sentiments suggested a contrast between the two armies and elicited admiration for America's victorious defenders. "Who," he inquires, "ever saw a conquering army or a victorious people, treat their cruel enemies with such lenity and tenderness?" Thus the cruelty of the enemy was matched by our magnanimity and spirit of forgiveness, truly a Christian revenge. In the conclusion to his somewhat discursive remarks Evans stressed obedience to the law of God as the touchstone of the genuineness of gratitude and the measure of its sincerity.

This analysis of the sermons of military chaplains, although limited in scope, seems to warrant some generalizations. These addresses avoided controversy as well as exposition of the fine points of dogma; they were direct exhortations to a recognition of God's bounty and mercy, they inculcated trust in God's providence and respect for His name; they focused attention on the virtues of purity, obedience, justice, and charity; they interpreted the duty of the soldier as due submission to authority, loyalty, and patriotism. Furthermore, all in all, there is a conspicuous absence of invective, so common when conflict rages; above all there is no cultus of hatred of the enemy and no closing of the eyes to American shortcomings. If we would appreciate fully the temperateness of language of these chaplains we need only contrast their sermons with those of the civilian clergy or militia chaplains of the same period.

Timothy Dwight's service as an army chaplain extended from October, 1777, to late January, 1779. To commemorate the surrender of Cornwallis he preached at Northampton on November 28, 1781.[136] Taking Isaiah, LIX, 18-19 for his text, he averred that of the Protestant countries of Europe, Britain had been singularly blessed, but she had abused these blessings "in the highest degree" and become the "peculiar object of Divine indignation." He found her sins to be "in

[136] Timothy Dwight, *A Sermon Preached at Northampton on the Twenty-Eighth of November, 1781, Occasioned by the Capture of the British Army Under the Command of Earl Cornwallis* (Hartford, n.d.).

degree enormous, and in multitude innumerable;" he declared that for some time many Britons, Lord Chesterfield for example, had striven to reduce "wickedness to a system," so that "private life teems with innumerable evils." No wonder then, that "Europe, and particularly Great Britain, exhibits strong symptoms of Divine Reprobation." Then, fixing his attention on another foe he foresaw the "fall of Antichrist" in consequence of the loss of the chief support of the Pope's power in the destruction of the Jesuits,"[137] which he deemed "the most fatal wound, popery hath received, since the Reformation." In concluding, after the vials of his venom were empty, he besought his audience, to "begin to fear the name of the Lord," set the nation an example of gratitude, and "abstain from levity and sin," in the acknowledgment of God's goodness.

More vitriolic by far were the pulpit effusions of the Presbyterian, Hugh Henry Breckenbridge, quondam chaplain, whose most noted discourses were delivered on the morrow of the rout and slaughter at Brandywine. So unrestrained was his language, that Moses Coit Tyler characterizes his six sermons as "a weird rhythmic chant of rage and patriotic hate and vengeance."[138] So deeply were Breckenbridge's emotions stirred that he found difficulty in expressing himself. In his opinion "the fierce, cruel, unrelenting and bloody king of England," outdistanced the "Hun, the Vandal, or the Goth, and all the cruel persecuting and bloody princes and people in more modern times,"[139] while in "accomplished fraud, perfidy and murder" he outstripped all his predecessors. In denouncing British cruelty Breckenbridge conjured up "the cries of infants and the groans of distressed mothers" in Boston, and he called on the fourteen bayonet wounds of Mercer to "open their dumb mouths afresh, and cry aloud for justice."[140] He accused the British forces of arson, of wanton destruction of provisions, of torture to extract money, of evicting peaceful civilians, of rape, of wasting the commonwealth. It was their determi-

[137] *Ibid.*, p. 29.

[138] Moses Coit Tyler, *Literary History of the American Revolution*, 2 vols. (New York, 1897), II, 300.

[139] Hugh Henry Brackenridge, *The Bloody Vestiges of Tyranny—Six Political Discourses Founded on Scripture* (Lancaster, 1778), p. 7.

[140] *Ibid.*, p. 12.

nation "to destroy or to perish," he declared. "Can anything be more diabolical, more in the spirit of the first-born Cain?" he queried. "Woe unto them, for they have rejected the frequency and humility of our petitions. They have been deaf to all entreaty."[141] Then, resuming his indictment, he accused the enemy of warring "with a rage unknown to civilized nations," for they have mangled the bodies of those who fell in battle, they have defaced colleges and schools, burned churches, "stabbed and shed the blood of an unarmed and supplicating clergyman."[142] And all this despite the ties of community of language and religion! "Woe unto them, for they have shed a brother's blood." Once more he entreated every class of men to execrate "George of England" and to rank him with "Caius and the murderers of mankind." The climax is reached in the frantic request "let fathers teach their sons the degenerate nature—and the name of Englishmen—let mothers still with this the children on the breast, and make the name a bugbear . . . let every soldier . . . be of the mind to fight from hill to hill, from vale to vale and on every plain, until the enemy is driven back and forced to depart."[143]

After reading these pages one concurs in the judgment of Tyler, and recalls to mind the observation that hatred of the enemy and violent language is more characteristic of civilians than of the men who, day after day, face the enemy and grapple with him in mortal combat.

Evidence is indeed meagre as to the reception of sermons by the soldiery, but one instance of charming informality is at hand.[144] When the Reverend Mr. Leonard was chaplain to General Putnam's regiment in 1775 before Boston, he delivered "an animated and pathetic address" . . . succeeded by a "pertinent prayer." The religious notions of "Old Put," as he was affectionately styled by his men, were elemental, and his practice informal. At the conclusion of the chaplain's efforts, Putnam gave the signal "and the whole army shouted Amen by three cheers." In the quaint language of the day we are assured that the whole incident "was conducted with the utmost de-

[141] *Ibid.*, pp. 13-15.

[142] The Presbyterian, John Roseburgh, chaplain of Pennsylvania militia, killed at Trenton, January 2, 1777. Cf. Headley, *op. cit.*, pp. 158-63.

[143] Brackenridge, *op. cit.*, pp. 15-16.

[144] Moore, *op. cit.*, I, 117.

cency, good order and regularity, and the universal acceptance of all present." "And the Philistines on Bunker Hill," concludes the account, "heard the shouts of the Israelites, and being fearful, paraded themselves in battle array."

Washington's reactions to sermons and evaluation of them are little known. There is extant, however, a letter which he wrote to the Reverend Israel Evans, chaplain to General Poor's brigade, upon the receipt of an offprint of a sermon delivered by Evans on the general thanksgiving day, December 18, 1777.[145] In this communication Washington averred that he had read "this performance with equal pleasure and attention," that he was impressed by the argumentation, and grateful for the "honorable, but partial mention you have made of my character." In concluding he assured Evans that he would always co-operate with endeavors to inculcate "a sense of dependence we ought to place in the all wise and powerful Being on whom alone our success depends."

James Thatcher, surgeon of the American army, recorded his attending an open air sermon by the Reverend Enos Hitchcock, chaplain to General Patterson's brigade, on Sunday, August 20, 1780; but he refrained from setting down his impressions, and contented himself with the observation that Hitchcock was "respected as a sensible and learned divine, of pure morals and correct principles."[146]

Second only to the sermon as an essential element of religious services was public prayer by the chaplain. As a rule General Orders in announcing services mentioned a sermon followed by appropriate prayer, but as chaplains eschewed set formulas and composed their prayers extemporaneously, they have not been recorded. Therefore, we can only surmise what things were made the subject of supplication of the Supreme Being, and we can only guess how the audience was affected. In one case, however, we have definite evidence. James Thatcher, whose comments on Hitchcock's sermon we have just considered, tells us that on September 20, 1780, he was present at a public prayer by chaplain Joel Barlow, and he observed that "his

[145] Fitzpatrick, *op. cit.*, XI, 78.

[146] James Thatcher, *Military Journal of the American Revolution* (Hartford, 1862), p. 209.

performance was very ordinary."[147] Upon voicing his disappointment he was assured that Barlow was "not much accustomed to public performances," and that it was a general opinion that Barlow was "more calculated to attain to eminence in the art of poetry than in the clerical profession."

The zeal of the Reverend Abiel Leonard, chaplain in turn to General Putnam's Regiment, and Knox's Regiment of Continental Artillery, is attested by various contemporaries. An index of his spirit is furnished by the prayer he composed in 1775 to "assist soldiers in their private devotions and recommended to their particular Use."[148] Four printed pages in length, it could scarcely be memorized, and so it probably deterred all but the most prayerful even in that leisurely age. Abounding in Old Testament phraseology and imagery it is at times verbose and labored, at others simple and direct, but very catholic in the scope of its interest.

After an invocation of Jehovah and acknowledgment of his attributes, the history and status of the relations between Great Britain and America is summarized, and strength and counsel are besought for Congress, for all commanders, and especially the commander-in-chief, in the current threat to civil and religious liberty. Disclaiming all unworthy motives in taking up arms, the soldier offers himself a holocaust, if need be, for the good and glory of America. Then there are requests for strength, fidelity, obedience, courage, protection in battle, and guidance in the use of leisure; likewise avoidance and detestation of profanity is pledged, as well as the shunning of intemperance, fleshly lusts, wrath, malice, greed and covetousness. To make these resolves fruitful divine assistance is implored. "May I prove myself a faithful follower of Jesus Christ in fighting the good fight," so that the "present conflict against the world, the flesh and the devil" may be "crowned with victory and triumph." Committing himself and all his affairs to the Lord, he asked the blessing of God and His providential care of his family and kindred, and the deliverance of the "dis-

[147] *Ibid.*, p. 214.

[148] Abiel Leonard, *A Prayer Composed for the Benefit of the Soldiery in the American Army. To Assist Them in Their Private Devotions; and Recommended to Their Particular Use* (Cambridge, 1775).

tressed, afflicted and oppressed people of this land" as the children of Israel were delivered "from the hand of Pharoah and his hosts."

Nor are the people of Great Britain overlooked, for the soldier prays that they may vindicate their liberties, preparing for a "glorious reunion between them and us in liberty and righteousness," so that Britons and Americans "may rejoice in the King as a minister of God to both for good." An adaptation of the doxology concludes this praiseworthy effort of Leonard to provide for the spiritual needs of the soldiers.

Sermons then, and public prayer, constituted the major contributions of the chaplains to the spiritual well-being of the men in the armed forces. In addition there may have been informal discussion and conferences with individuals or groups who sought instruction or guidance. Moreover, visits to the sick or wounded, in camp or in hospital, afforded further outlets for clerical zeal, but the fact that Washington berated the general neglect of this phase of duty, and imposed such visits by military order, suggests that chaplains were very remiss in this respect. Still another phase of the chaplain's activity was the attending in their last hours of men condemned to death, and presence at their execution. James Thatcher, the surgeon, records such an occasion when the Reverend Mr. Rogers attended a public execution, on which occasion some of the doomed men were saved by a timely reprieve, while others reaped the reward of their misdeeds.[149]

Over and above the duties of the ministry, activities unconnected with the clerical state were sometimes engaged in by chaplains. In the eighteenth century the distinction between chaplain and combatant was not so definite or accepted as it is today, and, hence, if a chaplain, from inclination or circumstances, engaged in pursuits which were not religious in character he was not looked at askance. Furthermore, as discontinuance of the ministry and return to the lay status was not unheard of, the public was not unprepared to see chaplains shoulder a musket, and serve in the ranks or become officers. And some did this for brief or extended periods.[150] At times too clergymen played the

[149] Thatcher, *op. cit.*, pp. 195-196.

[150] The Reverend Thomas Allen, Congregationalist of New Hampshire, for example, is said to have fought in the ranks at Bennington, while the Reverend Robert Smith of South Carolina of the Protestant Episcopal Church, served as

dual role of chaplain and officer. How prevalent this was we are unable to say, but we recall that in considering the exchange of chaplains who had been made prisoners, Washington distinguished between mere chaplains and chaplains who were likewise officers of the line. Nor are instances wanting of clergymen serving as chaplains and simultaneously undertaking other non-combatant duties. Thus the Reverend Robert Blackwell of the Protestant Episcopal Church, when chaplain to the First Pennsylvania Regiment, was impelled by the prevalence of illness in the camp and the dearth of medical men to assume the office of surgeon to one of the regiments at Valley Forge.[151] In the wretched huts which served as winter quarters he found ample scope for his zeal and charity, and his assiduous care of the stricken men won him the admiration and affection of all. Similarly, the Baptist Hezekiah Smith, known popularly as "Chaplain Smith," served occasionally as aide-de-camp, and James Caldwell, the Presbyterian, either successively or concurrently, was chaplain and assistant to the deputy quartermaster general.

The corps of military chaplains was not without its honored dead. The Reverend Moses Allen, a Presbyterian from Georgia, was drowned in 1779 in attempting to escape from a prison ship shortly after his apprehension at Sunbury; and late in 1781 the Reverend James Caldwell, mentioned above, was shot by a sentinel at Elizabethport. Moreover, two militia chaplains died in the service of their country. They were Philip Fithian of New Jersey, a Presbyterian, who was killed September 15, 1776, on the retreat from New York, and John Roseburgh, likewise a Presbyterian, who was killed at Trenton, January 2, 1777. His death evoked a storm of protest from the patriots who regarded his death as downright murder, and carried on a bitter controversy over the incident. One volunteer chaplain, Noah Welles, a Congregationalist from Connecticut, became the victim of his charity when he contracted jail fever while administering to British prisoners. And at least three chaplains fell into the hands of the enemy. They were Daniel McCalla, a Presbyterian minister from

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a private during the siege of Charleston, and Benjamin Trumbull, the distinguished Congregationalist minister of Connecticut is reputed to have seized a musket at White Plains and joined in the fray.

[151] Fitzpatrick, *op. cit.*, II, 9.

Pennsylvania, who was captured at Three Rivers on June 8, 1776, Charles Thompson, a Baptist from Rhode Island, who was made prisoner in the early summer of 1778, and John Cornell, an Episcopal clergyman from Virginia. When released, McCalla did not return to a chaplaincy in the army.

We have considered the designs of Congress and its expectations in ordaining that chaplains be procured for the armed forces. Were the high hopes of Congress realized? Best qualified to answer this inquiry would be the commander-in-chief who, through personal contact and observation, as well as the reports of subordinates, would be fully informed of the conduct and activities of the chaplains and the results of their endeavors. Evidence is specific as to Washington's appraisal of one chaplain. For a letter to Governor Jonathan Trumbull of Connecticut in mid-December, 1775,[152] voiced Washington's concern over the report that the Reverend Mr. Leonard of Connecticut would probably be unable to continue longer as chaplain at Cambridge. His departure, in Washington's words, would be a loss, since his exemplary conduct and industry in the discharge of the duties of his office had stamped him a warm and steadfast patriot and evoked the praise of all. Leonard was, moreover, diligent in animating the soldiers by explaining why they fought and what rights they championed. And on one occasion, when troops deserted in numbers, Leonard in a "sensible and judicious discourse" had upheld obedience and subordination to those in command as no less necessary to a soldier than courage and bravery.

If such were Washington's sentiments in regard to Leonard it must have been with keen satisfaction that he learned of the latter's continuance with the army; and this satisfaction was expressed early in the following February when he appointed Leonard chaplain to Colonel Knox's Regiment of Artillery and the Twentieth Regiment under the command of Lieutenant Colonel Durkee,[153] thus assuring the continuance of his salutary influence over two groups of men.

Leonard was a personal friend of Washington. In the same class was the Reverend Manassah Cutler of Massachusetts, a Congregation-

[152] *Ibid.*, IV, 163-164.

[153] *Ibid.*, IV, 307.

alist in creed. Commendation of his friends establishes Washington's esteem of these individuals and does not surprise anyone, but it may have slight relation to his estimate of the whole corps of chaplains. More significant is the fact that for his conduct at Monmouth the Reverend Andrew Hunter, a Presbyterian from New Jersey, was accorded the very personal thanks of Washington, but this, too, occurred rather early in the war. As the conflict dragged on through weary years, and chaplains grew in number, did Washington's sentiments undergo a change? Was he of the same mind in regard to chaplains at the end of hostilities?

Apart from the instances just mentioned, Washington appears to have been so preoccupied with other more pressing duties while the fight raged, that he did not express his opinion of individuals or of the members of the cloth as a group. At any rate we have no documentary evidence to that effect. Negative evidence, then, might warrant the inference that he was not dissatisfied, but mere lack of dissatisfaction would redound but little to the credit of the chaplains; in a very literal sense it would damn them with faint praise. Something much better than this is looked for in ministers of the word of God in the exercise of their noble profession. Fortunately, an affirmative answer to our inquiry is found in General Orders of March 23, 1783,[154] when hostilities had ceased, but before definitive peace had come to America, for these orders were a public eulogy of the chaplains of the army at that date. They declared that "in justice to the zeal and ability of the Chaplains" as well as because of a desire to express his own feelings, the commander-in-chief felt obliged to avow that the "regularity and decorum with which divine service is now performed every Sunday, will reflect great credit on the army in general, tend to improve morals and at the same time, to increase the happiness of the soldiery, and must afford the most pure and rational entertainment for every serious and well disposed mind." Hence to remove all obstacles to attendance at service, Washington forbade all fatigue duty except on special occasions, and all reviews and inspections.

Beyond any other person associated with the armed forces Washington was qualified to judge the activities of the military chaplains

[154] *Ibid.*, XXVI, 250.

and to assess their achievements. On the basis of his attestation we may infer that the high hopes of Congress in authorizing chaplains and insisting on their procurement were realized. The chaplains, in addition to providing for the spiritual needs of the soldiers, sustained morale and aroused patriotism; by word and conduct they were an example and an inspiration.

LIST OF AMERICAN REVOLUTIONARY CHAPLAINS

ADAMS, AMOS, Massachusetts, Congregationalist. David Brewer's Massachusetts Regiment.

AITKIN, JAMES, North Carolina, denomination unknown. 4th North Carolina.

ALLEN, MOSES, Georgia, Presbyterian. Georgia Brigade; taken prisoner at Sunbury, January 9, 1779; drowned trying to escape.

ALLEN, THOMAS, New Hampshire, Congregationalist. Warner's Continental Regiment; conspicuous at Bennington.

ANDREWS, ROBERT, Virginia, Episcopal. 2nd Virginia.

ARMSTRONG, JAMES, New Jersey, Presbyterian. 2nd Canadian (Hazen's Regiment); Brigade Chaplain.

AVERY, DAVID, Massachusetts, Congregationalist. Patterson's Massachusetts Regiment; 15th Continental Infantry; Sherburne's Continental Regiment; Brigade Chaplain.

BALCH, BENJAMIN, Massachusetts, Congregationalist. Doolittle's Massachusetts Regiment; Chaplain in Navy.

BALDWIN, ABRAHAM, Connecticut, Congregationalist. 2nd Connecticut; Brigade Chaplain.

BALMAIN, ALEXANDER, Virginia, Episcopal. 13th Virginia; Brigade Chaplain.

BARLOW, JOEL, Massachusetts, Congregationalist. Brigade Chaplain.

BARNETT, JOHN, Massachusetts, denomination unknown; Brigade Chaplain.

BLACKWELL, ROBERT, Pennsylvania, Episcopal. Wayne's Brigade; Acting Surgeon.

BLAIR, SAMUEL, Pennsylvania, Presbyterian. Thompson's Pennsylvania Rifle Brigade; 1st Continental Infantry; 1st Pennsylvania; Artillery Brigade.

BOARDMAN, BENJAMIN, Connecticut, Congregationalist. 2nd Connecticut; 20th Continental Infantry.

BOYD, ADAM, North Carolina, Presbyterian. 2nd North Carolina; Brigade Chaplain.

BRADFUTE, JOHN, Virginia, Episcopal. 2nd Virginia State Regiment.

BRADY, DAVID, Georgia, denomination unknown; Hospital Chaplain.

BROCKWAY, THOMAS, Connecticut, Congregationalist. Selden's Regular Connecticut Militia.

BUCHER, JOHN CONRAD, Pennsylvania, German Reformed. German Regiment.

BUCKMINISTER (BUCKMASTER), JOSEPH, Connecticut, Congregationalist. Webb's Continental Regiment.

CALDWELL, JAMES, New Jersey, Presbyterian. 3rd New Jersey; shot by a sentinel at Elizabethport; "Soldier Parson."

CARNES, JOHN, Massachusetts, Congregationalist. 18th Continental Infantry.

CHAPMAN, HEZEKIAH (JEDIDIAH), Massachusetts, Congregationalist. Read's Massachusetts Regiment.

CLEVELAND, EBENEZAR, Massachusetts, Congregationalist. Ward's Massachusetts Regiment; 21st Continental Infantry.

CLEVELAND, JOHN, Massachusetts, Congregationalist. Little's Massachusetts Regiment.

COOKE, NOAH, JR., New Hampshire, denomination unknown. 8th Continental Infantry; Hospital Chaplain.

CORDELL, JOHN, Virginia, Episcopal. 11th Virginia; taken prisoner; later Chaplain to a Virginia State Regiment.

COTTON, SAMUEL, New Hampshire, Congregationalist. 1st New Hampshire.

CUTLER, MANASSAH, Massachusetts, Congregationalist. Francis' Massachusetts Regiment; 11th Massachusetts.

DAVID, EBENEZAR, Rhode Island, Baptist. 9th Continental Infantry; 2nd Rhode Island.

DAVIS, THOMAS, Virginia, Episcopal. 1st Continental Dragoons.

DUNLOP, WILLIAM, Virginia, Episcopal. 6th Virginia.

DWIGHT, TIMOTHY, Connecticut, Congregationalist. Brigade Chaplain.

EAKIN, SAMUEL, Delaware, Presbyterian. Delaware Battalion of the Flying Camp.

ELLIOTT, JOHN, Connecticut, Congregationalist. 2nd Connecticut.

ELLIS, JOHN, Connecticut, Congregationalist. 8th Connecticut; 17th Continental Infantry; 1st Connecticut; Brigade Chaplain.

EVANS, ISRAEL, New York, Presbyterian. 1st New York; Nicholson's New York Regiment; Brigade Chaplain.

FITHIAN, PHILIP, New Jersey, Presbyterian. New Jersey Militia; killed on retreat from New York.

FOARD, HEZEKIAH, North Carolina, Episcopal. 5th North Carolina.

FOSTER, JACOB, Massachusetts, Congregationalist. Scammon's Massachusetts Regiment; 18th Continental Infantry.

FULLER, JOHN, Connecticut, Congregationalist. Douglas' Connecticut State Regiment.

GANO, JOHN, New York, Baptist. 19th Continental Infantry; 5th New York; Brigade Chaplain. Assigned to offer prayers on the occasion of the proclamation of the cessation of hostilities at Washington's headquarters.

GRAYSON, SPENCE, Virginia, Episcopal. Grayson's Additional Continental Regiment.

HEART (HART), SAMUEL, South Carolina, denomination unknown. 1st South Carolina.

HIBBARD, AUGUSTINE, New Hampshire, Congregationalist. Bedel's Regiment, New Hampshire Rangers; 2nd New Hampshire.

HITCHCOCK, ENOS, Massachusetts, Congregationalist. 3rd Continental Infantry; 10th Massachusetts; Patterson's Massachusetts Brigade.

HOLMES, JOHN, Georgia, Episcopal. 1st Georgia.

HUNTER, ANDREW, New Jersey, Presbyterian. 3rd New Jersey; Brigade Chaplain. Received Washington's personal thanks for his conduct at Monmouth.

HURT (HURST), JOHN, Virginia, Episcopal. 6th Virginia; Brigade Chaplain.

JOHNSON, STEPHEN, Connecticut, Congregationalist. 6th Connecticut.

JONES, DAVID, Pennsylvania, Baptist. 4th Pennsylvania; 3rd Pennsylvania; Brigade Chaplain.

JUDSON, EPHRAIM, Connecticut, Congregationalist. Ward's Connecticut Regiment.

KEITH, ROBERT, Pennsylania, denomination unknown. Hart's Pennsylvania Battalion of the Flying Camp.

KENDALL, THOMAS, Massachusetts, denomination unknown. Knox's Regiment of Continental Artillery.

KIRKLAND, SAMUEL, New York, Congregationalist. Fort Schuyler; Sullivan's Expedition.

LANCASTER, THOMAS, Massachusetts, Congregationalist. Mitchell's Regiment, Massachusetts Militia.

LEE, ANDREW, Connecticut, Congregationalist. 4th Connecticut.

LEONARD, ABIEL, Connecticut, Congregationalist. 3rd Connecticut; Knox's Regiment of Continental Artillery.

LEWIS, ISAAC, Connecticut, Congregationalist. Bradley's Connecticut State Regiment.

LINN, WILLIAM, Pennsylvania, Presbyterian. 5th Pennsylvania.

LOCKWOOD, WILLIAM, Massachusetts, Congregationalist. General Nixon's Brigade.

LOTBINIÈRE, LOUIS EUSTACE, Canada, Catholic. First Canadian (Livingston's Regiment).

LYND, JOHN, Pennsylvania, denomination unknown. 5th Pennsylvania Battalion.

MCCALLA, DANIEL, Pennsylvania, Presbyterian. 2nd Pennsylvania; taken prisoner at Three Rivers, June 8, 1776.

MCCLINTOCK, SAMUEL, New Hampshire, Congregationalist. 2nd New Hampshire. He appears in Trumbull's picture of Bunker Hill.

MCCLURE, DAVID, Pennsylvania, Congregationalist. 8th Pennsylvania.

MCKAY, WILLIAM FITZHUGH, Virginia, Episcopal. 15th Virginia; 11th Virginia.

MCMORDIE (MCMURDIE), ROBERT, Pennsylvania, denomination unknown. 11th Pennsylvania; Brigade Chaplain.

MCWHORTER, ALEXANDER, New York, Presbyterian. Knox's Artillery Brigade.

MANSFIELD, ISAAC, JR., Massachusetts, denomination unknown. Thomas' Massachusetts Regiment; 6th Continental Infantry; 27th Continental Infantry.

MASON, JOHN, New York, Presbyterian. 3rd New York; Chaplain to the posts on the Hudson.

MILLER, HENRY, Pennsylvania, German Reformed. Pennsylvania State Regiment; Chaplain to the Germans in the Army.

MONTGOMERY, JOSEPH, Delaware, Presbyterian. Delaware Regiment; Brigade Chaplain.

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MURRAY, JOHN, Rhode Island, Universalist (?). Rhode Island Regiments.

NOBLE, OBADIAH, New Hampshire, Congregationalist. New Hampshire Militia.

NOBLE, OLIVER, Massachusetts, Congregationalist. 11th Continental Infantry; 12th Continental Infantry.

OSGOOD, DAVID, New Hampshire, Congregationalist. 1st New Hampshire.

PAYNE, JOSHUA, New Hampshire, denomination unknown. 3rd Continental Infantry.

PERRY, JOSEPH, Connecticut, Congregationalist. Wolcott's Connecticut Regiment.

PLUMB, WILLIAM, Massachusetts, denomination unknown. Marshall's Massachusetts Regiment; 10th Continental Infantry; Brigade Chaplain.

POMEROY, BENJAMIN, Connecticut, Congregationalist. 3rd Connecticut. He served as chaplain at the age of 71.

PORTER, NATHANIAL, New Hampshire, Congregationalist. Wingate's Regiment; New Hampshire Militia; 3rd New Hampshire.

PURCELL, HENRY, South Carolina, Episcopal. 2nd South Carolina; Brigade Chaplain.

REXFORD, ELISHA, Connecticut, Congregationalist. Elmore's Continental Regiment.

ROBBINS, AMMI RUHAMAH, Connecticut, Congregationalist. Burrall's Connecticut State Regiment.

ROGERS, WILLIAM, Pennsylvania, Baptist. Miles' Pennsylvania Rifle Regiment; Patton's Continental Regiment; Brigade Chaplain.

ROSEBURG (ROSSBURGH), JOHN, Pennsylvania, Presbyterian. Pennsylvania Militia. Killed at Trenton, January 2, 1777.

SCOTT, ALEXANDER, Georgia, Baptist. 1st Georgia.

SERE, DANIEL, Maryland, denomination unknown. Smallwood's Maryland Regiment.

SHERMAN, JOSIAH, Connecticut, Congregationalist. 7th Connecticut.

SMITH, COTTON M., Connecticut, Congregationalist. 4th Connecticut.

SMITH, ELIAS, Connecticut, Christian (?). 19th Continental Infantry.

SMITH, HEZEKIAH, Massachusetts, Baptist. Nixon's Massachusetts Regiment; 4th Continental Infantry; 6th Massachusetts; Brigade Chaplain. "Chaplain Smith" served occasionally as aide-de-camp.

SMITH, MANASSAH, Massachusetts, denomination unknown. Whitcomb's Massachusetts Regiment.

SMITH, ROBERT, South Carolina, Episcopal. Hospital Department in South Carolina. Served as private soldier in siege of Charleston.

SPENCER, ELIHU, State unknown, Presbyterian. Hospital Chaplain of Middle District.

SPRING, SAMUEL, Massachusetts, Congregationalist. Fellow's Massachusetts Regiment.

SPROAT, JAMES, Pennsylvania, Presbyterian. Hospital Chaplain of Middle District.

STEWART, ALEXANDER, Massachusetts, Presbyterian. Knox's Regiment Continental Artillery.

STORRS, JOHN, Connecticut, Congregationalist. Gay's Connecticut State Regiment.

STRAIT (STRAIGHT), CHRISTIAN, Virginia, Lutheran. 8th Virginia.

STRONG, JOSEPH, Connecticut, Congregationalist. 20th Continental Infantry.

STRONG, NATHAN, Connecticut, Congregationalist. 22nd Continental Infantry.

SWEETLAND, ELEAZER, Massachusetts, Congregationalist. Sargent's Massachusetts Regiment; 16th Continental Infantry.

TATE, JAMES, North Carolina, denomination unknown. 1st North Carolina; Brigade Chaplain of North Carolina Troops.

TENNENT, WILLIAM, Connecticut, Presbyterian. Swift's Connecticut State Regiment.

TETARD, JOHN PETER, New York, French Reformed. 4th New York.

THAYER, JABEZ, Massachusetts, denomination unknown. 14th Massachusetts.

THOMPSON, AMOS, Maryland, denomination unknown. Stephenson's Maryland and Virginia Riflemen.

THOMPSON, CHARLES, Rhode Island, Baptist. 1st Rhode Island; Brigade Chaplain. Taken prisoner about June, 1778.

TREAT, JOSEPH, New York, Presbyterian. Malcolm's New York Regiment.

TRUMBULL, BENJAMIN, Connecticut, Congregationalist. 1st Connecticut; Douglas' Connecticut State Regiment. Later at New Haven he was chosen captain of a company of sixty volunteers.

VAN HORNE, WILLIAM, Pennsylvania, Baptist. Pennsylvania Brigade.

WILLIAMSON, SAMUEL, Connecticut, denomination unknown. 4th Continental Dragoons.

WINTER, FRANCIS, Massachusetts, Congregationalist. 7th Massachusetts.

WOOD, SAMUEL, Connecticut, Congregationalist. 5th Connecticut.

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MISCELLANY

The Silver Jubilee Meeting of the American Catholic Historical Association, Chicago, December 28-29, 1944

The Silver Jubilee Meeting of the American Catholic Historical Association held at the Stevens Hotel in Chicago on December 28-29, 1944, was one of the most successful gatherings which the Association has had in many years. The attendance was excellent, considering the hazards of war-time travel. There were 144 registrations at the bureau of registration during the two days, with 154 guests present for the jubilee luncheon which closed the meeting. Well over 200 interested listeners heard the papers and discussion on Americanism the first morning, and the session devoted to the Christian missions in twentieth-century China, held jointly on the second day with the American Historical Association, drew so many that the seating capacity of the west ballroom with accommodations for nearly 300 was not adequate to hold the crowd. All were agreed that the quality of the papers was high and the discussions following them definitely worthwhile.

The Executive Council of the Association, with President Kiniery presiding, held its meeting on December 28 at luncheon where they heard and approved the reports of the secretary, the treasurer, and the two standing committees. Dr. Leo F. Stock, a former president and *ex-officio* member of the Council, had sent a suggestion to the secretary that the Council draw up a formal resolution expressing the Association's regrets at the illness of Monsignor Guilday, the founder and honorary president, and likewise a resolution of gratitude and congratulation to Bishop Ready of Columbus. The Council was happy to adopt the suggestion and the secretary was asked to frame the resolutions. They were then adopted by the Council and later read before the annual business meeting in the afternoon of the same day. The texts of the two resolutions follow.

> WHEREAS, the membership of the American Catholic Historical Association is deeply conscious of the debt of gratitude owed to its founder and honorary president, Monsignor Peter Guilday, for the inspiration and energetic leadership he gave to the Association from its earliest years, and
>
> WHEREAS, it was the hope and anticipation of his many friends in the Association that they would be able to greet him here at this silver jubilee meeting and to hear his address at the jubilee luncheon, and
>
> WHEREAS, Monsignor Guilday was prevented from attending this twenty-fifth annual meeting through illness,

BE IT RESOLVED, that the formal regret of the Association at his illness and the fervent prayer and hope of his speedy recovery, he communicated to Monsignor Guilday by this unanimous resolution of the Executive Council at its meeting on December 28, 1944, such resolution to be read at the annual business meeting of the Association and then presented to Monsignor Guilday by the secretary of the Association in the name of the Executive Council and membership of the American Catholic Historical Association.

WHEREAS, the Most Reverend Michael J. Ready has been for many years a loyal and devoted member of the American Catholic Historical Association and for the past three years a member of its Committee on Publications, and

WHEREAS, the Association was last year made the beneficiary of a sum of money from the Bishops' Committee on the Pope's Peace Points for the publication of its second volume of Documents through the assistance of Bishop Ready and,

WHEREAS, Bishop Ready has recently been elevated to the episcopacy as Bishop of Columbus,

BE IT RESOLVED, that the Executive Council of the American Catholic Historical Association in its meeting at Chicago on December 28, 1944, extend its congratulations and best wishes to the new bishop for a long and fruitful tenure of his high post, at the same time expressing to him its sincere gratitude for his gracious and helpful assistance in furthering the work of the Association.

Another important matter of business which came before the Council at its meeting was the suggestion of the treasurer, Father John K. Cartwright, to the effect that he felt the time had come for the Association to give some tangible recognition to the productive effort of Catholic historians in this country. He, therefore, suggested the institution of an annual prize for a published volume, or the manuscript for such, on a subject in the general field of history, preferably a subject related to the history of the Church. The matter of the prize was discussed at some length and the Council agreed unanimously that the Association should institute such an award at this silver jubilee meeting. It was decided to call the award the John Gilmary Shea Prize of the American Catholic Historical Association in honor of the most outstanding nineteenth-century historian of the Catholic Church in the United States. A temporary committee was appointed by the Council to draw up the conditions governing the award, this committee to consist of Father Ellis, Father Cartwright, and Dean McGuire. They were instructed to work out a set of regulations and then submit them in writing to the members of the Council early in the coming year, adding at the same time their recommendations of names for a permanent committee of the Association which would have the task of reading the manuscripts submitted and of deciding upon the winner of the prize.

The plan for the Association's prize was explained at the annual business meeting by the secretary, who stated that it was the mind of the Executive Council that the prize be given only for work of a superior scholarship and that should a year occur when no such manuscripts or books were presented, the Association would reserve to itself the right to pass over the award for that particular year. He further explained that while details of the prize would have to be worked out by the temporary committee and be approved by the Council, it was the present hope that the Association's resources would permit an annual award of $200 for the winner of the John Gilmary Shea Prize.

The reports of the officers and committees which follow will give the members of the Association a more detailed account of activities during the year 1944. Soon after the beginning of the new year there were issued directives from the Office of Defense Transportation which make it appear that the Association has had its last full meeting before the coming of peace. It is now virtually certain that in the light of the recent regulations, that it will be impossible for the Association to hold any further annual meetings of an extended character. While all will regret this, there would be no one in our ranks who would wish to go contrary to the stringent regulations now in force concerning all conventions. Should it prove impossible to hold a full meeting, as it appears that it may, the secretary will ask the Executive Council for power to hold the Committee on Program for 1945 in office until such time as they may have the opportunity of arranging a full-time meeting for our members. The secretary will likewise take steps later in the year to arrange for a token meeting of a single session for those in the Washington area so that our annual business may be transacted. In this we have the precedent of the luncheon conference in Washington on January 16, 1943, when the regular annual meeting scheduled for Columbus in Christmas week of 1942 had to be canceled.

Report of the Treasurer:

FINANCIAL STATEMENT FROM DECEMBER 15, 1943 TO DECEMBER 15, 1944

ACCOUNT I. GENERAL FUND

Investments, December 15, 1943			$5,500.00
Cash on hand, December 15, 1943		$1,773.72	
Receipts:			
Annual dues		3,236.15	
Interest from investments		165.00	
Contributions to 1943 meeting expense		10.00	
Total receipts		$5,184.87	5,500.00
Disbursements:			
Office Expenses:			
Rent of office, telephone service	$ 75.00		
Supplies and service	369.22		
Secretary—salary—Miss Harrold	750.00		
Bookkeeper—salary—Miss Jones	120.00		
	1,314.22		
Expense of New York Meeting, 1943	5.12		
Preliminary Expense of Chicago Meeting, 1944 (John D. Lucas Printing Co.)	59.60		
Catholic Historical Review	1,302.00		
Rent of safety deposit box	6.00		
Exchange on checks	1.49		
Total disbursements		2,688.43	
Cash on Hand, December 15, 1944		$2,496.44	
Investments, December 15, 1944			$5,500.00

ACCOUNT II. REVOLVING ACCOUNT

Publication of Documents

Cash on hand, December 15, 1943		$ 136.51
Receipts:		
Sale of *United States Ministers to the Papal States*		9.00
Cash on hand, December 15, 1944		145.51

Summary

Investments, Account I	$5,500.00	
Cash on hand:		
Account I	$2,496.44	
Account II	145.51	
Total cash balance	$2,641.95	

Respectfully submitted,
JOHN K. CARTWRIGHT, *Treasurer*

Report of the Committee on Publications:

Your committee's report for the past year is a gratifying one. Last year we told the Association that funds for the publication of Volume II of *Documents,* viz., correspondence covering the Consular Relations between the United States and the Papal States, had been assured through the generous subsidy of the Bishops' Committee on the Pope's Peace Points. The manuscript for this volume went to the printer during the year and is now in final page proof. The index has been made and the introduction, which will give a commentary of the documents, is nearly completed. There was some delay caused by the paper shortage and by the difficulty of securing suitable binding materials, but these matters have been cared for, so that we may expect the appearance of the book before spring. It is hoped that this volume will please the members as a satisfying memorial to the Association's twenty-fifth anniversary. The number of pages of text will be practically the same as that of Volume I; the price will also be the same—five dollars. Since the edition to be printed will be less than for the first volume of the series, it will be to the advantage of members to enter their subscriptions as soon as possible.

A report of the only other publication of the Association, the *Review,* will be given by the managing editor and secretary, Dr. Ellis. No further publication has been discussed by your committee for the immediate future.

Your committee extends its congratulations to Bishop Ready, one of its members, upon his recent consecration. He was always interested in the committee's work and deserves full credit for securing the necessary funds for publication of the volume about to appear.

Respectfully submitted,
LEO F. STOCK, *Chairman*

Report of the Committee on Nominations:

President
John J. Meng, Queens College

First Vice-President
Thomas F. O'Connor, New York City

Second Vice-President
Reverend John E. Sexton, Allston, Massachusetts

Secretary
Reverend John Tracy Ellis, Catholic University of America

Treasurer
Reverend John K. Cartwright, Washington, D. C.

Executive Council (Two to be elected for a three-year term)
Reverend Charles H. Metzger, S.J., West Baden College
Aaron I. Abell, Nazareth College, Rochester, New York

Committee on Program
Francis J. Tschan, Pennsylvania State College, *Chairman*
Reverend Henry G. J. Beck, Immaculate Conception Seminary, Darlington, New Jersey
Reverend Arthur J. Riley, St. John's Seminary, Brighton, Massachusetts

Committee on Publications

Leo F. Stock, Carnegie Institution of Washington, *Chairman*
Charles C. Tansill, Georgetown University
Reverend Edward A. Ryan, S.J., Woodstock College

Committee on Nominations

Francis A. Arlinghaus, University of Detroit, *Chairman*
Brother J. Robert Lane, F.S.C., Saint Mary's College, Winona, Minnesota
Reverend Hugh J. Nolan, Saint James High School, Chester, Pennsylvania

Respectfully submitted,
WILLIAM H. J. KENNEDY, *Chairman*

Report of the Secretary:

> A distinctly Catholic organization with the definite object of promoting interest in Catholic history both in this and other lands, of this and other ages, seems necessary, if the Church is to be recognized in her true position as the sacred and perpetual mother of all that is best and holiest in modern civlilization.[1]

With these words at the first session of the American Catholic Historical Association in Cleveland twenty-five years ago this coming Saturday, Monsignor Guilday launched the project which fifty some responsive Catholic historians took up at that inaugural meeting and within the following year made a reality. I shall not encroach upon your time to review our history. That will be done by more competent hands at the silver jubilee luncheon tomorrow and in the pages of Dr. Cartwright's splendid review of our achievements which will appear in the January issue of the Association's official organ. My sole purpose in this report is to relate some of the outstanding features of the year just closing and to summarize for you a few salient factors which, I believe, give us just reason for rejoicing as we come to the end of our first quarter-century of life.

You have heard the reports of our treasurer and the chairman of our Committee on Publications. They have told you the story of our solid financial condition and the prospect we have that early in the new year the Association members will have in their hands the second volume of our *Documents*. I want to take this opportunity to give public thanks to the six men who have taken the time from their busy lives to prepare the formal papers heard at our three sessions during these days. May I thank as well the discussion leaders for their intelligent and stimulating contributions towards making our two public sessions worthwhile? Your secretary feels each year a sincere debt of gratitude for the assistance rendered to the work

[1] "The American Catholic Historical Association," by Peter Guilday in the *Catholic Historical Review*, VI (April, 1920), 13.

of the executive office. Since I assumed this position in February, 1941, I have not experienced more wholehearted co-operation than during the past year, and outstanding among those who have given of their talents and time to the work of the Association has been our president. It would be extremely difficult for me to convey to you the extraordinary character of Professor Kiniery's assistance. He not only carried out to the letter every request of the executive office—he even anticipated us. I can only say to him here a profound "thank you" and trust that the standard of co-operation which he has set may be followed by the presidents who come after him. I wish likewise to thank our distinguished treasurer, Father Cartwright, for his constant help and advice and for the judicious and delightful paper which he prepared on our Association's history. It would be overlooking, too, a real debt of gratitude if I were to omit the names of the two faithful and ever-helpful associate editors of the *Catholic Historical Review*. If your official organ meets in any way your critical and scholarly appreciation, you owe it in good measure to the intelligence, time, and care which Father Ziegler and Dean McGuire have given to the editing of the journal long before the managing editor ever appeared on the scene. Finally, I wish to thank the chairmen and members of the various committees, among them the highly efficient Committee on Local Arrangements, assembled by President Kiniery, for the devotion shown to our work in the handling of the Association's annual business which fell to their lot.

Speaking of the *Catholic Historical Review*, I am happy to report that the increase in membership in the Association and the increase in subscriptions lead us to believe that it is reaching a larger number of readers with each passing year. Apart from the 730 members of the Association, the subscriptions number at present 326 which is a gain of twenty-seven over the total of 299 reported to you at this time last year. With the present 127 exchanges this means the *Review* goes out each quarter to 1183 persons and institutions, an increase of eighty-two over the total of 1101 reported in December, 1943. True, our growth has not been startling, but I believe you will agree that it has been steady. We wish in no way to withdraw the exhortation to all our members to send in scholarly manuscripts of which we spoke in the secretary's reports in the last two years. But the editors of the *Review* are gratified to announce that we have on hand at the present a sufficient number of manuscripts to fill the January and April issues for 1945 with some space in the July number already earmarked. This is a healthy sign and we ask for a continuance of such productive effort on the part of our members. During the past year the *Review* published nine scholarly articles, only two of which represent papers read at the 1943 annual meeting. We are hopeful, therefore, that this encouragement given to productive scholarship will continue to bear fruit in more of our members submitting to the editors manuscripts

which embody the results of their scholarly research. We have, as a consequence of receiving more manuscripts, been able to maintain a high standard for our articles, and I believe you will agree that it is not an unhappy omen when I tell you that we have rejected fully as many articles as we have accepted.

The subject of membership in the Association is one of perennial interest and importance to us all. The year 1944 has been a good one in that we have received eighty-two new members with seventeen renewals of old memberships which had lapsed. During the past year there have been only twelve resignations, eleven deaths, and thirty-six delinquents. This brings us a total of 730 members at present which is forty above last year's total of 690. For the purposes of the record I shall set down these figures in order:

Total membership on December 15, 1943		690	
Resignations	12		
Deaths	11		
Delinquents	36		
	—	59	
		—	631
Renewals			17
New members, December 15, 1943-December 15, 1944			82
			—
Total membership, December 15, 1944			730

The new annual members are:

Sister M. Amatora, St. Francis College, 1508 Tippecanoe Street, Lafayette, Indiana

Sister M. Austin, R.S.M., 406 W. Woodruff Avenue, Toledo Ohio

Reverend J. Ryan Beiser, Catholic Student Center, 108 McLean Street, Iowa City, Iowa

Reverend Cletus J. Benjamin, 1712 Summer Street, Philadelphia 3, Pennsylvania

Reverend Ermin J. Bertke, 923 Bank Street, Cincinnati 14, Ohio

Mrs. Lillian Browne-Olf, 6730 S. Cornell Avenue, Chicago 49, Illinois

Francis J. Carreiro, 226 S. Main Street, Fall River, Massachusetts

Reverend I. Mitchell Cartwright, Texas, Maryland

Reverend Timothy Casey, Catholic University of America, Washington 17, D. C.

Reverend Jasper J. Chiodini, Chancery Archives, 3810 Lindell Boulevard, St. Louis 8, Missouri

Reverend Raymond J. Clancy, C.S.C., St. Edward's University, Austin 1, Texas

J. Walter Coleman, Gettysburg National Military Park, Gettysburg, Pennsylvania

Reverend William J. Coleman, M.M., Catholic University of America, Washington 17, D. C.
Captain Bruce Condé, Co. I, 3rd Bn., Camp Ritchie, Maryland
Charles C. Conroy, 2111 Fifth Avenue, Los Angeles 16, California
Most Reverend Richard J. Cushing, Lake Street, Brighton 35, Massachusetts
Sister M. de Sales, R.S.M., Mt. Aloysius Junior College, Cresson, Pennsylvania
Sisters of the Divine Savior, 3516 W. Center Street, Milwaukee, Wisconsin
Reverend George M. Driscoll, Sag Harbor, New York
Reverend W. Kailer Dunn, 901 Poplar Grove Street, Baltimore, Maryland
Thomas B. Dunn, First National Bank Building, Morris, Illinois
Rev. Joseph A. Dunney, 391 Delaware Avenue, Albany 2, New York
Edward L. England, 741 S. Scoville Avenue, Oak Park, Illinois
J. Manuel Espinosa, Division of Cultural Co-operation, Room 15, Grant Building, Washington, D. C.
Reverend John J. Fahey, St. Mary of the Lake Seminary, Mundelein, Illinois
Brendan A. Finn, 7 Maine Terrace, Somerville 45, Massachusetts
Matthew A. Fitzsimons 514 N. Notre Dame Avenue, South Bend 17, Indiana
Most Reverend Albert L. Fletcher, Box 2569, Little Rock, Arkansas
Reverend Charles D. Gorman, 6001 Western Avenue, N.W., Washington 15, D. C.
Reverend J. Austin Graff, 5842 Princeton Avenue, Chicago 21, Illinois
Reverend James P. Graham, C.M., St. John's Seminary, Kansas City, Missouri
Reverend William M. Griesbaum, 1367 S. Twelfth Street, Louisville 10, Kentucky
Most Reverend Francis J. Haas, 2001 Lake Drive, S.E., Grand Rapids, Michigan
Miecislaus Haiman, Polish Roman Catholic Union, 984-986 Milwaukee Avenue, Chicago, Illinois
Oskar Halecki, 37 E. 36th Street, New York City
Reverend Edward T. Harrington, Regis College, Weston 13, Massachusetts
Very Reverend Patrick J. Hayes, St. Mary of the Lake Seminary, Mundelein, Illinois
Sister Marie Perpetua Hayes, St. Mary-of-the-Woods College, St. Mary-of-the-Woods, Indiana
Most Reverend Ralph L. Hayes, 1430 Clay Street, Davenport, Iowa
Reverend George G. Higgins, Catholic University of America, Washington 17, D. C.
Reverend Vincent F. Holden, C.S.P., 415 W. 59th Street, New York 19, New York
Reverend D. Gerard Horan, 108 Hampshire Road, Syracuse 3, New York
Sister M. Antonio Johnston, Sisters College, Washington 17, D. C.
Miss Kathleen Keating, 5732 Green Street, Chicago, Illinois
Reverend Edward J. Klein, College of St. Thomas, St. Paul, Minnesota

Sister Mary Louise Krug, Immaculate Heart College, 2021 N. Western Avenue, Los Angeles 28, California
Brother Basil Leo Lee, F.S.C., St. Augustine's High School, 64 Park Place, Brooklyn 17, New York
Sister M. Mercedes Luohy, Provincial House, Dixie Highway, Covington, Kentucky
Reverend John A. Lyons, 757 Harrison Avenue, Louisville 8, Kentucky
William H. McIntyre, 316 W. 79th Street, New York City
Right Reverend Bernard A. McKenna, 70th Avenue and Old York Road, Philadelphia 26, Pennsylvania
Reverend Stephen McKenna, C.SS.R., Mount Saint Alphonsus Seminary, Esopus, New York
Reverend Raymond C. McLean, 728 Lawrence Street, N.E., Washington 17, D. C.
Reverend Joseph McSorley, C.S.P., 415 W. 59th Street, New York 19, New York
Theodore Maynard, 22½ Westmoreland Street, Westminster, Maryland
Reverend George D. Mulcahy, 111 State Street, Harrisburg, Pennsylvania
Most Reverend Aloisius J. Muench, Box 1750, Fargo, North Dakota
Robert C. Murray, 2623 Sedgwick Avenue, Kingsbridge, New York 63, New York
Right Reverend Joseph L. O'Brien, 136 St. Philip St., Charlestown 15, South Carolina
Reverend Joseph C. Plumpe, Catholic University of America, Washington 17, D. C.
Reverend John P. Porter, S.J., Canisius College, Buffalo 8, New York
Mrs. Madeleine H. Rice, 468 Riverside Drive, New York 27, New York
Reverend Leo L. Rummel, O. Praem., Monona Drive, R. 50, Madison 5, Wisconsin
J. Herman Schauinger, 164 W. Fifth Street, Erie, Pennsylvania
Reverend Clarence C. Schoeppner, Chancery Office, Box 707, Santa Fe, New Mexico
Reverend Bede Scholz, O.S.B., Conception Abbey, Conception, Missouri
Sister M. Carol Schroeder, Marian College, Indianapolis 44, Indiana
Reverend Edward S. Schwegler, North Collins, New York
Reverend Joseph E. Shaw, St. Joseph's Seminary, Grand Rapids, Michigan
Reverend Shawn Sheehan, 101 Hillberg Avenue, Brockton, Massachusetts
Reverend Jeremiah Smith, O.M.C., 625 Michigan Avenue, Washington 17, D. C.
Sister M. Jerome Smithers, Dean, Aquinas College, Grand Rapids 3, Michigan
Reverend Henry A. Steichen, Ave Maria Church, Wheaton, Minnesota
Reverend Alfred G. Stritch, 1960 Madison Road, Cincinnati 6, Ohio
Charles C. Tansill, Georgetown University, Washington 7, D. C.
Cyril Toumanoff, 3217 Connecticut Avenue, Washington 8, D. C.
Walter Ullmann, Ratcliffe College, Leicester, England
Sister M. Virginia, O.P., Lacordaire School, Upper Montclair, New Jersey

George Waskovich, Hunter College, 695 Park Avenue, New York City
Miss Grace Welsh, 6924 Creiger Avenue, Chicago 49, Illinois
Reverend C. George Zimpfer, Sacred Heart Rectory, Bowmansville, New York
John A. Zvetina, 1816 S. Austin Boulevard, Cicero, Illinois

As in former reports, it is our sad duty to chronicle the death of eleven faithful members of the Association during the year 1944:

Reverend George F. Flynn
Most Reverend James J. Hartley
Most Reverend Francis W. Howard
Right Reverend F. Joseph Magri
Most Reverend Maurice F. McAuliffe
Right Reverend Richard Neagle
William Cardinal O'Connell
Most Reverend John B. Peterson
Reverend James B. Rooney
Sister M. Benignus Sheridan, C.C.V.I.
Reverend John A. Sheridan

May their souls rest in peace!

With the continuance of the war, our plans for a meeting in 1945 are, of course, uncertain. You will, however, be definitely informed in the pages of the *Review* as plans evolve.

In closing may I thank each and every one of you who has come here to Chicago and thus by your presence and support helped to make this silver jubilee meeting a memorable one. There are but two clouds which have dimmed our happiness during these days, one the war which has touched the families and friends of every one of us and has taken from our ranks many a loyal member who would otherwise be with us, the other is the absence of him who gave this Association the breath of life. For Monsignor Guilday, who was to be a speaker at our luncheon tomorrow and who had planned for a long time on renewing his friendly contacts with so many of you, I ask your prayers that God may grant to him a speedy recovery of health so that we may all continue to profit from his rich experience and guidance in the work which he inaugurated twenty-five years ago.

Respectfully submitted,
JOHN TRACY ELLIS, *Secretary*

BOOK REVIEWS

AMERICAN CHURCH HISTORY

Revivalism in America: Its Origin, Growth and Decline. By William Warren Sweet. (New York: Charles Scribner's Sons. 1944. Pp. xv, 192. $2.00.)

In this little volume the author contends that revivalism formed the chief pattern of Protestant activity in America from the third decade of the eighteenth until the final decade of the nineteenth century. Spiritually akin to the Pietist movement of continental Europe, American revivalism first appeared in Dutch churches of the middle colonies, whence on demonstrating its worth it speedily took on the character of a Great Awakening in every denomination and area of organized Christianity in its Protestant form. The movement resumed its forward march in the early national era, more and more penetrating and transforming the various Protestant bodies as the country underwent westward expansion and rapid growth in population. As a conscious determination to individualize and to emotionalize religion by creating in persons a sense of immediate responsibility to God and a desire for a "conversion" experience, revivalism Americanized Christianity. For American society, the result of European migration, frontier formation, and the lure of cities, has been "a people in motion" (p. ix); such a people, beyond the reach of established institutions and social pressures, is highly individualistic: which means in religious terms a disposition to ignore the church and to adopt wayward morals and habits. Only a religion of personalized piety could serve with a measure of adequacy the country's spiritual needs.

The story is, for the most part, well handled, the reader's attention made to focus only on the key personalities and broad divisions of the movement. The classification of revival leaders in the colonies and the new West is the most succinct and intelligible the reviewer has read. If Baptists and Methodists advanced the cause through zeal and sheer weight of numbers, Calvinists of the Presbyterian-Congregational type furnished the leading revivalists, men who realized the limitations of the "legalism" in Calvinist theology. As an historical appraisal—its chief purpose—the book exhibits insight and mature judgment, indicating the good as well as the bad effects of the movement and stressing its normal rather than its unusual manifestations. The spectacular camp meeting, for example, is played down.

The narrative does not overlook the "bi-products" of religious revivals—the impetus they gave to democracy and the Revolution, the founding of colleges, anti-slavery opinion, and philanthropic endeavor. The statement that out of the revival of 1857 "came the introduction of the Y. M. C. A. into American cities" (p. 160) is incorrect. The Association in America dates from 1851. Instead of only one college established by Catholics in the years 1780-1830 there were nine, three of which, Georgetown University, St. Louis University, and Mt. St. Mary's College, have continued uninterruptedly to the present.

Although Professor Sweet associates the decline of revivalism and the rise of cities, his analysis of the relationship between the two is unconvincing. Revivalism wanes, he thinks, "when the impersonal becomes dominant over the personal" (pp. 177-178). But why this depersonalizing trend in urban Christianity? If the author's thesis is correct, that revivalism arose and flourished in our earlier history because it met the religious needs of "a people in motion," did not then the great cities with notoriously shifting populations require also in their turn a personalized religion, even more so than the frontier and the small towns? Professor Sweet thinks that Protestantism failed the cities by deserting individuals for causes, the revival technique for the social gospel. The reviewer suggests that Protestants did not abandon the one for the other but attempted to combine the two—the individual and the social—into a religio-social system suitable to the urban masses. The old revivalist spirit of the frontier on encountering an urban environment generated a social Christianity, highly personal and spiritual and expressing itself in rescue missions, "institutional" churches, the Salvation Army, and many other forms of humanitarian endeavor. The success or failure of the method in Protestant hands need not be considered at this point, but the method itself, the combining of a physical with a spiritual ministry, is truly apostolic, followed by the Church from the first days in the arduous task of realizing her mission.

AARON I. ABELL

Nazareth College
Rochester

No Shadow of Turning. The Life of James Kent Stone (*Father Fidelis of the Cross*). By Katherine Burton. (New York: Longmans, Green and Co. 1944. Pp. 243. $2.50.)

Nineteen years ago a life of James Kent Stone was published under the title of *Fidelis of the Cross* by Walter George Smith and Helen Grace Smith. The work is based largely on the letters and writings of the eminent convert. Katherine Burton's *No Shadow of Turning* might be considered as an abridgement of this volume. The author, by skillfully

culling the letters and omitting what is irrelevant, presents an interesting and readable biography.

In retelling the story, she makes her subject live, even though, at times, one is conscious that it is she who speaks and not Stone, and not a little of the beauty and vividness of his expression is lost. For him the plains of Lombardy are a waveless sea, and to her they are merely plains (p. 13); he pictures the blue Mediterranean transformed by a muddy torrent into a sea of boiling chocolate, and she has him refer to it as chocolate-colored (p. 9); nor is the narration of his dream improved upon when she depicts him carrying his dying brother to the summit of a pass in the Alps and then laying him on the grass (p. 26). Moreover, in the general treatment of her subject, Mrs. Burton does not picture him as being the virile character those who knew him thought him to be.

Occasionally, a certain license is taken in the presentation of the letters, e.g., we find the chronological order inverted when he wrote to his friend, Mardenbro White (p. 65); and when he left his traveling companions, the Greenes (p. 18); a letter written by Stone to his father is made to appear as a conversation between them (pp. 15-16).

In this volume, errors relative to the dates of his novitiate and his first years with the Passionists, which appeared in the Smiths' *Fidelis of the Cross,* are corrected (pp. 113-121). Although Mrs. Burton, in her research, has brought to light several letters, she gives no references save those incorporated in the text, and the work carries no documentation, which places her volume in the pre-Shea era, the bane of the student of history. The index is not complete and seems to have been done hurriedly.

The book is well-written, but written, we feel, with the view principally of entertaining the reader.

JOHN A. LYONS

Louisville, Kentucky

MEDIAEVAL HISTORY

Liberties & Communities in Medieval England. Collected Studies in Local Administration and Topography. By Helen M. Cam, Lecturer in History in the University of Cambridge. (Cambridge: at the University Press. 1944. Pp. xiv, 267. $3.75.)

All sixteen of the studies contained in this volume appeared in English, American, or continental publications between the years 1924 and 1940. A few corrections and supplementary references have now been added; otherwise the only new material is the author's introductory essay, "In Defence of the Study of Local History." Students of local institutions will, nevertheless, be grateful to have these somewhat miscellaneous articles gathered into a single volume. Not only are they bound together by, but

they illustrate admirably the truth of, the writer's "belief that medieval local government can only be understood through much short range study of particular places and particular institutions." Miss Cam's authority in this field has long been recognized. She amply justifies her use of a painstaking piecemeal method, yet she ably avoids the pitfall of mere antiquarianism. Particular places and particular institutions live before our eyes, yet we never lose sight of the general historical setting which forms their background.

It is not surprising to find that three of the articles touch on matters concerning the hundred, the history of which has been the undisputed province of Miss Cam ever since the publication in 1930 of her standard work on the subject, *The Hundred and the Hundred Rolls.* Nor is the article on *Quo Warranto* proceedings under Edward I far removed from the same topic, since these proceedings grew out of the findings reported in the Hundred Rolls. The special claim which Cambridge and Cambridgeshire have upon the author is manifested in the three articles which deal exclusively with problems connected with the district. Two studies treat of special questions relating to General Eyres and two more of the relations between members of Parliament and their "constituencies" in mediaeval England.

Once only does Miss Cam go beyond England for her subject-matter. The exception is an article entitled "Suitors and *Scabini,*" in which she traces with broad strokes the divergent evolution of local courts in France and England from the ninth to the twelfth century, contrasting the continued existence of the English courts of shire and hundred with the feudalization of Frankish local courts. Perhaps, the subject-matter of these essays as a whole is too English to permit of finding continental parallels, but the stimulating results of the one excursion into a comparative method certainly make the reader regret that it could not have been used in more cases. "The Origin of the Borough of Cambridge," does refer to Pirenne's theory of urban origins on the continent, but the article confines itself narrowly to challenging—and with evident success—Carl Stephenson's application of the same theory to the origins of Cambridge. It would have been interesting to see the "new feudalism" of fourteenth and fifteenth-century England, which Miss Cam describes in the one general article of the whole collection—"The Decline and Fall of English Feudalism"—compared with similar contemporary developments in both France and the Empire.

The penetrating wisdom of several remarks in the author's introductory essay suggests a new approach to certain questions. Let one example suffice. She notes that, while feudalism has generally been regarded as the antithesis of democracy, there is in reality a very strong democratic element in feudalism. It produced a system where authority and respon-

sibility were distributed between lord and man, and bequeathed to later generations of Englishmen an invaluable tradition that no privilege should exist without a corresponding duty. This is a theme that has been all too little insisted upon and that might well be worked out at greater length. If the spread and acceptance of political responsibility is to be taken as a measure of constitutional progress, then many a popular notion about the effect of feudalism on this progress will need to be seriously revised.

GEORGE B. FLAHIFF

Pontifical Institute of Mediaeval Studies
Toronto

Saving Angel. By Thomas Lawrason Riggs. (Milwaukee: Bruce Publishing Co. 1944. Pp. xiii, 98. $1.75.)

This book was written to stress St. Joan's relations with the doctrinal and disciplinary authority of the Church and to refute the thesis of the saint's "Protestantism" popularized by Bernard Shaw. The author shows a thorough grasp of the sources and he used the most scientific and scholarly approach to determine his conclusions. The material was taken from the original records of the Rouen trial of 1431, and of the rehabilitation starting with a royal investigation in 1450, taken over by the Church in 1455 and completed in 1456.

Starting from the assumption that the first trial was a true and characteristic expression of mediaeval Catholicism, Shaw and other historians contend that it was legal. Thus, the process of rehabilitation is viewed with suspicion. They questioned the testimony and regarded themselves as freed from the task of studying the memoirs and especially the *Recollectio* of Brehal. The author points out that writers from whom Shaw drew freely in arriving at his conclusion, made only a superficial study of the *Recollectio.* As a result much enlightening information regarding the Rouen trials has been omitted.

Brehal, the grand inquisitor, wrote the *Recollectio* which was made the immediate basis of the decisions of the judges at the rehabilitation and the verdict was accepted by Pope Benedict XV in 1920. This work vindicates St. Joan and criticises the trial. It is pointed out that the judges were of poor quality, Joan's appeals were denied, and there was fraud and intimidation in wringing the so-called abjuration from her. The verdict ends by declaring "the said trials and sentences, tainted with fraud, calumny, injustice, contradiction, and manifest error of law and of fact."

The scholarly efforts of the author certainly should lay to rest any doubt as to Joan's heresy. It is clear from this study that any attempt to write a biography of the saint's life would be biased unless all references so capably criticized and evaluated by Father Riggs were studied. However, the writer's line of reasoning, although good, is rather confusing and

difficult to follow. The book is surely not easy reading for an historian, not to say the ordinary intelligent layman.

JAMES W. MCCORMICK

Carroll College

MODERN HISTORY

The Englishman and His History. By H. Butterfield. [Volume 19, Current Problems Series.] (Cambridge: at the University Press. 1944. Pp. x, 142. $1.25.)

The publisher's jacket describes Professor Butterfield's small volume as an historian's estimate of the practical value of tradition in current affairs. Its author notes his objectives as the presentation of the "relations of Englishmen with their history and the means by which the past and present have been kept in alliance; also to take stock of some of the riches that have been ours as a result of this alliance, this preservation of the silt of bygone centuries in the fabric of the present day." He discusses the influence of their historical past upon English statesmen and lawyers—an influence so pronounced that innovators have sought to show that they were not innovators but restorers, and revolutionists have represented their revolutions as being carried out in accordance with ancient principles. Englishmen have ever tended to look to their past that they might see in it whatever they, in the present moment, desired to see. The net result of this tendency has been the growth of the modified Whig interpretation of English history and its application to current affairs.

The development of English historical writing and the formulation of the Tory interpretation during the Tudor period, furnished the background to the history of the rise of the Whig interpretation. In the seventeenth century, the historians worked "passionately" against the Stuart claims; the age itself "leaned to a certain interpretation and even a certain kind of error in its historical study;" their errors were accentuated when appropriated by those who lacked the scholarship of the historians and lawyers. From such influences there was generated the extreme Whig interpretation, which, modified by their experience with those dangers inherent in extremes, has become the attitude of Englishmen toward their past, and the basis both for their analysis of the present and their practical prevision of their future.

The latter part of the volume interprets the *de facto* benefits which have accrued from this outlook. Particularly interesting is the chapter entitled "Christian Tradition as a Factor in Politics."

Professor Butterfield has produced a finely-written, and to those who would reduce history and its philosophy to mechanistic factors, a challenging work. His style is of a high order; his figures and terms are generally colorful beyond one's expectations in a work of this character.

There are several minor points of interpretation, and one or the other of greater magnitude, which will not receive universal acceptance, but these do not lessen the value of his presentation. The very attempt at a project of such wide scope in such a small work would seem to preclude the possibility of success; the fact that the author, by an epicurean selection of material and a judicious use of that material, has so satisfactorily achieved his aims, is in itself a tribute both to his skill and his zeal in the development of the theme.

ALFRED G. STRITCH

Our Lady of Cincinnati College

Beyond All Fronts. A Bystander's Notes on This Thirty Years War. By Max Jordan. (Milwaukee: Bruce Publishing Co. 1944. Pp. xiv, 386. $3.00.)

This volume is by no means detached and strictly impartial history. Nor was it meant to be such. The author, for many years the NBC representative in Germany, saw at first hand the collapse of the Weimar republic and the rise of Hitler. From the wealth of his own experience he gives the sad history of the first people to fall under Nazi tyranny, the Germans themselves. At the same time he traces the growth of the first of many "undergrounds" in Europe. To those who look upon the future with misgivings, Jordan brings a message of hope. For he believes that there are still in Germany inarticulate millions who have not been infected with the Nazi virus and on whom a new and better Germany can be built. The whole book is based on the thesis that such a Germany is necessary and that it can only be obtained by a just and sensible peace, such as that favored by Pius XII, which will not lay the foundations for a new world cataclysm.

Few thinking men will be found to quarrel with this thesis, but the book itself leaves many questions unanswered, many doubts unsolved. What of the attitude of the younger generation, who have known no other god than Hitler and whose only cross is the swastika? Whence will come the leaders of this new Germany? Are not most of those available at one time now either dead or in exile? In the case of the latter, they may well have the qualifications to lead but will they be accepted any better than the returning fugitives in other liberated countries?

In his desire to prove the necessity of a just peace, it would seem that the author overstresses failure to create an abiding peace at Versailles. In so doing he neglects the other factors which brought about the world depression and the fall of the German republic. Nor does the reviewer believe

that the fall of Nazism will solve the German problem. The author makes much of the undoubted opposition to Hitler in certain sections of the army, but he does not analyze the reason for that opposition, which may well have been directed more against the tactics employed and the persons employing them, than against the ultimate aim of Hitler's regime. The German military tradition, ante-dating Hitler by many years, receives too little attention, despite the fact that, especially since 1848, it has been a millstone on the neck of Germany and Europe alike.

While this work may not bring complete conviction, it does create a hope for the future and the realization that it will be absolutely necessary to foster those elements in Germany which may provide a stable democracy. Jordan's solution of the problem is, perhaps, too much concerned with the negative attributes of the coming peace. But it is essentially sound and far wiser than the solution of those who would out-Hitler the Führer himself in their treatment of a conquered Germany.

AUGUST RAYMOND OGDEN

Sacred Heart College
Las Vegas, New Mexico

AMERICAN HISTORY

The Letters of John McLoughlin from Fort Vancouver to the Governor and Committee: Second Series, 1839-1844. Edited by E. E. Rich. With an Introduction by W. Kaye Lamb. (London: Champlain Society for Hudson's Bay Record Society. 1943. Pp. xlix, 427, xl.)

This volume, the sixth in the series, is a continuation of Volume IV of the Publications of the Hudson's Bay Record Society, which was noticed at length in this *Review*, XXIX (July, 1943), 258-60. As stated in the title, the present volume covers McLoughlin's correspondence for the years 1839-1844, and this correspondence may conveniently be divided into two nearly equal halves: that before the murder of McLoughlin's son John, and that after this tragic occurrence. The excellent introduction by Dr. W. K. Lamb also reflects this division.

In February, 1839, an agreement concluded with the Russian American Company secured for the Hudson's Bay Company extensive privileges north of 50°40′ for ten years. In the following spring (1840) James Douglas made an exploratory tour of this area and "carefully considered the Company's trading requirements on the whole Northwest coast." He decided that two posts there would suffice for the trade and made ready to equip them.

Accordingly W. G. Rae was placed in charge of Fort Stikine, and young McLoughlin, the quarter-breed son of Dr. John, was made his assistant.

In the following spring McLoughlin, not yet twenty-nine, succeeded to the management of that distant post; and a year later, on the night of April 20-21, 1842, he was murdered by his own men. Four days later, Sir George Simpson, on his way to Siberia, visited Fort Stikine, where he learned the dismal news.

From this post, six days later, Simpson wrote two letters to Dr. McLoughlin. The official one, which alone has survived, was harsh, unsympathetic, and even ruthless: profitable trade relations between the two companies newly-opened must go forward. "His action," says Dr. Lamb of Simpson's conduct in this affair, "was arbitrary and callous, and constitutes one of the most serious blots on his career." The "initial break," however, between the governor-in-chief and the "governor" in Oregon, as Dr. Lamb wisely shows, had already occurred "and was occasioned by a dispute over trading policy"—the relative advantages of shore establishments over trading steamers on the Northwest coast. Actually such a rupture over business matters was imminent, for Simpson had never approved of the Company's venture at Yerba Buena. This factor is not mentioned by Dr. Lamb. A meeting of the two men in Honolulu in February, 1842, only emphasized their differences, and the murder of young McLoughlin two months later made an accord between them impossible.

To the Catholic historian the yield of materials on the Church in Oregon is exceedingly meager. This is not easily understood either, for Blanchet and Demers were active there all through the period treated in this volume; and so, too, were De Smet, Langlois, and Balduc to a lesser degree. In a letter to the governor and committee, dated November 18, 1843 (five years after the arrival of Blanchet and Demers in the country), McLoughlin took up the question of permitting passage in Company boats to Catholic missionaries, for which he had been taken severely to task by Simpson. McLoughlin defended himself vigorously to the governor and committee and argued that, "with an inimical population around us, it is too evidently our interest to be conciliating in our conduct" (p. 167). It is hoped that Dr. Lamb, when he comes to prepare his biography of McLoughlin, will give due notice to these influences in the doctor's life.

It should be noted in closing that the index is adequate, and that the volume includes an excellent biographical appendix. This last feature is largely the work of Miss Alice Johnson of the Company archives. Miss Johnson deserves warm commendation for this useful reference both in the present volume and in the previous publications in this series. There are also reproduced two fine contemporary drawings by H. J. Warre.

WILLIAM L. DAVIS

Gonzaga University

Jefferson Davis and His Cabinet. By Rembert W. Patrick. (Baton Rouge: Louisiana State University Press. 1944. Pp. x, 401. $3.75.)

Although the military history of the Confederacy and King Cotton diplomacy have been exhaustively analyzed, the civil history of the Confederacy has been relatively neglected. Mr. Patrick's study makes an excellent and refreshing contribution to this field by focusing the spotlight upon the changing cabinet of President Davis. A preceding volume by Burton J. Hendrick, entitled *Statesmen of the Lost Cause,* had weighed the merits of the Confederate president and his advisers and had passed harsh judgment upon them. Mr. Patrick, approaching this controversy in a reasonably objective manner, has written a work of vindication. His main thesis that President Davis consulted his official advisers on major decisions of policy and was guided to a great extent by their opinions is a well-documented and sound conclusion. Indeed, a fair appraisal of the evidence presented in this volume refutes the charge that the Confederate cabinet was composed of yes men, or was merely a rubber stamp for an autocratic executive. In contrast to a trend of modern scholarship to criticize Davis for personality defects and for great blunders of administration, the portrait of the Confederate president in this volume is very sympathetic and charitable.

Such a view of Jefferson Davis is much nearer to the truth than the hostile estimates which do not take into consideration the tremendous difficulties of his position. The reviewer thinks, however, that Mr. Patrick could have penetrated more deeply into the reasons for the congressional opposition to him and the failure of the administration to attend properly to the home front. The author also has not entered into the controversy over the wisdom of the military policy of Davis, especially in regard to the neglect of the vital defense of the West, but it is well to remember that in military matters Davis deferred to the advice of Lee.

In judging the personnel of the Confederate cabinet, the historian faces a subtle and almost inescapable danger—the danger of rearranging his prejudices into a plausible pattern. The motives of dead statesmen are obscure, and all the complex elements of the problems they tried to solve are not apparent to the present-day critic, so that historical evaluations of personalities must be tentative. Mr. Patrick is not dogmatic in his evaluations of the personalities of the Davis regime, yet he has his enthusiasms and aversions. Seddon he rates as the ablest of the six secretaries of war, while George Randolph, the grandson of Thomas Jefferson, is placed at the bottom of the list. He accepts the contemporary estimate of Benjamin as the brains of the Confederacy, to which he adds the encomium "a perfect adviser" to Davis. Nevertheless, he suggests a lack of magnanimity in this supple statesman, a want of devotion to principles, that caused many people to distrust him. The reviewer would question, therefore, the

wisdom of President Davis in making Benjamin his chief adviser. Mr. Patrick has praise for the bitterly criticized Memminger, whose financial plans were sabotaged by Congress, for Mallory, whose ships were constantly being burned or destroyed by the Confederates to prevent their capture, and for John H. Reagan, who ran the post office at a profit and who strenuously opposed the cabinet decision in 1863 to allow Lee to invade Pennsylvania. Those detractors of Davis who maintain that Toombs would have been a far better choice for president than he, should read the grave doubts of Toombs' fitness for such a position expressed in the pages of this study. Mr. Patrick has written a volume that is the fruit of intelligent study of the sources and his conclusions and evaluations are highly stimulating.

CLEMENT EATON

Lafayette College

Lee's Lieutenants. Volume III. *Gettysburg to Appomattox.* By Douglas Southall Freeman. (New York: Charles Scribner's Sons. 1944. Pp. xlvi, 863. $5.00.)

The third volume of Dr. Freeman's study in command is the story of the decline of the Confederacy from the viewpoint of its inability to replace officers. Knowledge of that decline in terms of manpower and materials is commonplace; the result of constant and heavy officer loss (thirty-seven per cent of Lee's general officers became casualties in May, 1864), is most effectively presented here, and inevitably raises the question of the relationship of daring and costly exposure by officers, to the fighting qualities of their troops. Officer conduct was conditioned by the spirit of an age that was slow in recognizing the implications of the first modern war. Only in the last campaigns was this recognition demonstrated by the respective high commands.

Douglas Southall Freeman possesses unique advantages as a biographer of the military figures of the South; he combines ability of a high order with the respect and admiration of a section that regards his biographical subjects peculiarly as heroes. Caches of private and often hitherto inaccessible or forgotten papers are resurrected for his use, and his great difficulty is in dealing with numbers of well-meaning informants, most of them with stale or worthless legends, but some with those nuggets of truth that give Dr. Freeman the missing link for chains of evidence that have eluded others.

Major factual discoveries on the great Civil War battles are becoming rare. One of these Dr. Freeman brings to light concerning the second day at Gettysburg. The soundness of Lee's tactics—a much debated question—on that fateful morning hinges on his knowledge of the strength of the Union left. Those who have hitherto criticized his course as based on

what must have been ineffective frontal reconnaissance are now informed, from a letter hitherto unpublished, that Colonel S. R. Johnston of Lee's staff actually reached Little Round Top in the Union left rear early that morning, and reported the absence of Union troops in the vicinity. Assuming that his statement is correct, Johnston must have been there during the short period between the departure of Geary's division and the arrival of Sickles' outposts. A Union corps must have been within a half mile on the north, but may have been obscured by fog. At any rate, Lee's resumption of the offensive and his plan of attack on July 2 are much more readily explained on the basis of Johnston's report, and the extent to which Confederate failure is attributable to faulty staff work is admirably discussed. The circuitous and retrograde march of Hood's and McLaws' divisions on that same July 2, more nearly ten miles than two and a half (p. 173), is not, and has perhaps never been, completely explained, in a major treatise.

In his conclusions, the author emphasizes the improving leadership and fighting qualities of the Army of the Potomac as a factor in Confederate defeat. The Confederate repulse of Burnside's corps in the battle of the Petersburg Crater is properly attributed to artillery playing on "a perfect target" as well as to Mahone's distinguished infantry charge. The account of Gordon's defeat at Fort Stedman and his confused ideas of forts in the Union rear is noteworthy for its clarity when compared with other treatments of this forerunner of the modern break-through.

However, these substantial accomplishments of the military historian are dwarfed by the sweep and power of his handling of the tremendous dramatic possibilities of his subject. Thus, his historical conclusions are reached well in advance of the final curtain, not while the forlorn survivors are left standing in the red mud at Appomattox. The tragic figures, even more than Stuart, A. P. Hill, and the others killed in battle, were Early and Pickett who lost their commands.

J. WALTER COLEMAN

Gettysburg, Pennsylvania

George Bancroft: Brahmin Rebel. By Russell B. Nye. (New York: Alfred A. Knopf. 1944. Pp. x, 340, xii. $3.50.)

It was as an historian that George Bancroft wished to be remembered, and since he was the first major historian of America, it will be as he wished. His *History* has secured for him an established place in the annals of American historical scholarship. But while the writing and revising of the *History* was the main occupation of his long life, that spanned almost the entire nineteenth century, it is not for that alone that the story of his life is significant. He engaged actively in politics, was a friend and adviser of presidents, held cabinet and diplomatic posts when important decisions

were being made and epochal events were being enacted. As a reward for his yeoman service in organizing the Jacksonian party in Massachusetts, Van Buren made him collector of customs at Boston. He led the state delegation to the support of Polk's candidacy in 1844, and gratefully Polk brought him into his cabinet as Secretary of the Navy, and later named him minister to England. An early doubter of the capacity of Lincoln, he soon came to appreciate his special abilities and was a strong supporter. He delivered the eulogy on Lincoln before Congress as he had that on Jackson a score of years before. The composition of Andrew Johnson's first message to Congress was Bancroft's work, and soon he was established as minister to Prussia, and to the German Empire which was forged by Bismarck during his period of service.

Equally significant, possibly more so, is Bancroft's influence in the shaping of American thought. Son of a Puritan divine who was a leader in the turning of Puritanism to Unitarianism, Bancroft, after his graduation from Harvard, became one of the group of *neuere Amerikaner* who studied in German universities imbibing scholastic ideals and philosophical ideas. A transcendentalist before Emerson, his belief in liberty, the perfectibility of human nature, and in the destiny of the United States pervade all his writings. Few were more active in spreading the knowledge of German history, culture, and scholarship in the United States. Properly enough he had the happy experience to be in Berlin to receive homage on the fiftieth anniversary of his receiving the doctorate from the University of Göttingen.

Yet from the time the plan was first conceived, the writing of the *History* was the major concern of Bancroft. Fully appreciative of the importance of primary sources, he used every position, every friend, every official courtesy to gather the precious documents. He spent liberally for copies of archive materials, an expense he could well sustain because of the wide sales of the several volumes and revisions. Indeed, his assiduity in searching out contemporary and official witnesses is probably his greatest contribution to the development of historical scholarship in America. And this makes it all the more surprising that he should take such liberties with his authorities as to make his work completely unreliable on that score. One goes to Bancroft now merely to learn how he and his readers viewed the story of the beginnings of this nation, or how the striving for literary and dramatic effect can invent or distort history, or how sources should not be used.

Bancroft was not a simple, single-minded man, and the writing of his life was not a simple task. In this biography, which won for the author the second Alfred A. Knopf Fellowship in Biography, Mr. Nye has done the task well. He has produced a well-rounded, unified account of his subject's long and varied career, and achieved his result by staying close to the man

Bancroft and to the maturing of his ideas and personality. Surprisingly little, however, is written of his religious attitudes in his later years. There are no footnote citations, but there is an adequate bibliography, and in an epilogue the author gives a good analysis of the strength and weakness of Bancroft as an historian. Were the style more inspired, one might well have said that this would be the definitive biography of Bancroft.

P. RAYMOND NIELSON

Creighton University

The City of Brooklyn, 1865-1898. A Political History. By Harold Coffin Syrett, Instructor in History, Columbia University. (New York: Columbia University Press. 1944. Pp. 293. $3.25.)

Dr. Syrett's book will be of interest to all, whether dwellers in the borough beautiful or those beyond the pale. It is a well-documented study of municipal politics during the last thirty years of Brooklyn's existence as a city, and unlike the proverbial dry-as-dust thesis, it is quite interesting.

The period covered takes in Brooklyn's fight for "Home Rule," and like most American cities it took energy and perseverance for Brooklyn to secure some measure of independence. Then there was the struggle to shake off boss rule and the boss was Hugh McLaughlin. He ruled Brooklyn Democrats from about 1870 to 1903, a period which in New York saw the successive rules of Tweed, Kelly, Croker, and Murphy. McLaughlin never sought power beyond Brooklyn, never became involved in party theory, and was not guilty of either public or personal dishonesty. His money, "honest graft," was derived from real estate investments which his position enabled him to select wisely. While McLaughlin never accepted office after 1873, John McKane, boss of the village of Gravesend, was head of that spot's police board, water board, board of health, and the board of town auditors, while the other members of these boards were his appointees. Gravesend included Coney Island, and the protection given to gamblers, prostitutes, and anyone else who paid tribute to the machine made the location notorious.

Gravesend, like Williamsburgh, Flatbush, New Utrecht, and Flatlands, was eventually united to Brooklyn. This came about largely through the improvement of transportation, and the "trolley dodgers" of Brooklyn became nationally known. At the same time there was a movement to unite New York and Brooklyn. The crusading of Andrew H. Green, the power of Tom Platt, and its geographical position brought an end to the city of Brooklyn. However, in the words of the author, " . . . the passage of years was to demonstrate that Brooklyn's peculiar provincialism, its strong local pride, and its pronounced individualism were inveterate."

Brooklyn has reason for pride. She gave to the nation during the administration of Seth Low the example of a well-governed city. Her docks

received more ships than New York and Hoboken combined, and in 1880, she was the third city in the number of manufacturing establishments. Less than a week after Seth Low had left office, a Brooklyn citizen remarked: "To draw a parallel between modern Brooklyn and ancient Athens is, of course, of all things the most easy. Their graceful culture, their love of art, their intense local feeling—which outer barbarians are apt to term pragmatical self-complacency—their acknowledged supremacy as centers of learning and governmental wisdom and so on place them in a relation which it would be little short of blasphemy to question" (p. 162).

Faults or errors in the volume are few. Reverend Richard S. Storrs is referred to in quotation marks as the "Chrysostum of Brooklyn" (p. 20). The author concedes that the shoreline of Brooklyn was the property of New York, and mentions English confirmation of the Dutch charters (p. 14). Stiles is referred to in a footnote for this, but Stiles devotes many pages to stressing the point that there was no Dutch charter to this effect and that New York's claim was without foundation.

BASIL L. LEE

St. Augustine High School
Brooklyn

Edward Bellamy. By Arthur E. Morgan. (New York: Columbia University Press. 1944. Pp. xvii, 468. $5.00.)

Edward Bellamy will remain important among the writers of the protest literature of America during the last quarter of the nineteenth century. The wide diffusion of his *Looking Backward*, and the resultant "nationalist clubs," indicates that his importance consisted in more than an accidental success in his predictions. The appearance of other Utopias, of other protest literature, and the general dissatisfaction of the people of the United States with the recurring panics, agrarian disorders, and workers' agitations of that era, however, lead the social historian to consider Bellamy as merely one important figure among many in the trends of his day. Dr. Morgan, on the contrary, in this biography, goes out of his way to distinguish Bellamy from those trends and from the other reformers; but in so doing he violates nearly all the canons of biographical literature.

The author brings to his work undeniable ability and an evident depth of thought, and his volume is an important contribution to the history of American social and literary history. But in his haste to sweep aside the hindrances of chronology, he almost destroys the biographical character of his study. The chapter, "The Thread of Life," really lacks life in its brevity and want of color, while the elimination of chronological sequence in the quotations from Bellamy's writings in the other chapters destroys any clear notion of the novelist's ideas at any particular time before the public accepted *Looking Backward*. One might except from this criticism the first three chapters, but even there the author seems to be using the tech-

nique of a Conrad novel to create an impression of coming greatness which was beyond the real meaning of his New England background. In the subsequent chapters Dr. Morgan so frequently interposes his own criticisms of American and world economic and social institutions that one might doubt whether he is explaining Morgan by quotations from Bellamy or Bellamy's quotations by the philosophy of Morgan.

Without attempting to discredit the depth of the biographer's thought or the sincerity of his efforts to explain the writing of *Looking Backward*, the critical reader can see that many influences affecting the protest literature of the 1880's are not examined in this book. The author is a bit too preoccupied with the resemblances between the predictions of Bellamy and present-day planned economy. Likewise, he could make the supposed influence of the Bellamy ancestry more plausible if he interpreted it not through heredity, which is not probable in intellectual matters, but by the general evolved Puritan tradition which Bellamy received in his home and in the Yankee milieu. Dr. Morgan does not understand what religious ideas Bellamy rejected, although he does make some passing observations about the Emersonian revolt. He tries to explain the impractical elements in Bellamy's nationalism by implying a too great faith in human nature or by the novelist's failing health which prevented a further working out of his scheme. More important, however, was the fact that a hedonistic ideal cannot cope with the realities of human failures and the spiritual destiny of man. Bellamy wrote in his notebook: "Life is its own end. To have accomplished this or that work, be it materialistic or artistic, is well enough, only let it not be forgotten that we do not live to work, but work to live" (p. 359). The realities of the present-day failures cry unceasingly that such an ideal is fruitless of peace. Its utilitarianism leads to totalitarianism. Dr. Morgan needs to add more chronology and some theology to his norm if he is to measure correctly the stature of Edward Bellamy.

THOMAS T. MCAVOY

University of Notre Dame

Pitchfork Ben Tillman, South Carolinian. By Francis Butler Simkins. (Baton Rouge: Louisiana State University Press. 1944. Pp. xii, 577. $4.50.)

Ben Tillman was governor of South Carolina and senator less than a generation ago, yet not one child in a hundred in a South Carolina school today would be likely to identify his name. A conspiracy of silence has fallen upon the man. But as long as such is the case the history of South Carolina will be incomplete and incomprehensible. Tillman effected a revolution in South Carolina. The principle for it was not new. It traces back to the Regulators. It is the old Carolina feud of the up-country against the low-country, which can be simplified into rural and urban sections. It is the age-old struggle of the common man against aristocracy, the have-

nots against the haves. Tillman defended the common man and the farmer, and after him the positions of haves and have-nots, politically, were reversed.

This is the first biography of Tillman. Mr. Simkins has obviously labored under difficulty in his sources. They are scanty. He has been forced to use the newspapers much and they are prejudiced or, at any rate, sketchy and not given to interpretive study. This has not, however, affected the quantity or quality of his biography. One can be sure that additional material will not produce any appreciable change in his evaluation of Tillman. A more complimentary biography may come some day, but hardly one more complete or more objective.

It is difficult to be objective when treating Tillman, perhaps because the issues are too close to us, maybe more so because he was an erratic character, not yet shrouded in legend. Mr. Simkins tried hard to be objective and succeeds admirably, but many of his interpretive and editorial remarks seem, to say the least, most unusual for a biographer. One wonders what stirred the author to write about a man who apparently disgusts him. Tillman could be disgusting; he was vulgar; no bridle was ever on his tongue. He could resort to any kind of conniving and excuse himself with the most specious sort of arguments, not to say lies. His attitude on the Negro cannot be defended by anyone pretending to be Christian. Most disgraceful was his defense of his nephew, the assassin of an outstanding civic-minded editor. Still Tillman can be admired for many things. He had no false pride. In his fight for the common man he never faltered. Neither did he have a short view. In order to educate his people to hold the position in which he had put them he established two colleges, Clemson and Winthrop, and it was his lead, pressed by others, that threw open to universal education every college in the state.

Mr. Simkins has given us a very scholarly and readable account of this strange man. Mechanically the book is well done. The essay on sources is a model. One word in the book irked this reviewer; it seems inexcusable to use the Britishism "hustings."

Tillman was a national figure doomed to be a member of the minority party. By the time the Democrats returned to power, Tillman's day as an effective leader had passed. The Pitchfork pierced the headlines many times during Tillman's twenty-three years in the Senate but it would be difficult to show that he had any appreciable effect on national history.

Nevertheless, this book is not for Carolinians alone. Tillman is a type. The Senate and House have seen many imitators of Tillman and there is a large class of people in the United States whom Tillman typifies. These people have influenced national history. Ben Tillman is the key.

RICHARD C. MADDEN

Cathedral of St. John the Baptist
Charleston

Woodrow Wilson and the Lost Peace. By Thomas A. Bailey. (New York: Macmillan Company. 1944. Pp. xii, 381. $3.00.)

Professor Bailey has the rare gift of being able to write historical monographs that have both literary sparkle and scholarly distinction. In this penetrating study of the mistakes of President Wilson, the reader is carried along on a high tide of brilliant character sketches, keen comments upon the world drama of 1918-1919, and a long list of far-reaching questions that neither Professor Bailey or any other historian will ever be able to answer in a definitive manner. Warm admirers of Woodrow Wilson will not like the picture evoked by the revealing paragraphs that are devoted to the background of the Paris adventure. It is apparent that the President was a great phrase-maker rather than an effective peace-maker. He was the greatest propagandist in the last century, and like some modern Midas he was able to translate many leaden platitudes into a world currency that looked surprisingly like gold. But in Paris, sharp-eyed realists like Clemenceau suspected the counterfeit nature of the aureate articles that were being peddled by the President, and trouble began. France was in desperate need of the precious specie of armed support to face future German aggression, and the paper promises of a politically-bankrupt President gave little comfort to Poincaré, hard-pressed by diplomatic futility at Versailles, or to Foch, whose plans for a French frontier along the Rhine were repeatedly pushed aside as inconsistent with the major purposes of the peace.

As one reads this book it is easy to discern the great difficulties that are created by politicians who are always thinking of the next election instead of the next generation. The political factor bulked very large in the international equation of 1918. The President was determined to ignore every Republican of prominence when he sat down to make his appointments to the peace delegation he accompanied to Paris. He appeared to have believed that peace-making was a Democratic prerogative. His ardent temperament was stimulated by the mere thought of political battle at home. Clad in the armor of a righteous cause, he gave no thought to the possibility of defeat by Republican senators who were beginning to beguile the American public with the wicked thought that the Peace of Versailles was a horn of plenty through which the riches of America could be poured far too fast into the receptive laps of impoverished Europeans. In 1918 the bogey of isolationism began to make its appearance at the edge of the American stage. The President believed he could banish this unwelcome specter by making fun of its appearance, but, to his great surprise, the American audience grew quite fond of the ugly fellow and made him a national hero.

It is easy to see that this book has been written for a specific purpose. It is probably the author's hope that it will serve as a guidebook for the men who will make the peace that will terminate the present world con-

flict. From a study of the mistakes that were committed at Versailles, it is obvious that the coming peace must not be a peace of hate. Compassion and charity, as well as competence and courage, must sit at the council table. The peace must not be designed to advance or sustain the political fortunes of any so-called statesmen; it must be worthy of the appalling sacrifices it has entailed.

By implication this book brings clearly to mind the fact that peacemakers should always keep well in mind the importance of a steadfast adherence to high ideals. It is high time that they remember that the Prince of Peace is Jesus Christ Himself. The only sure way to construct a just and durable peace is to follow the principles He has so clearly set forth in His message to mankind.

CHARLES C. TANSILL

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IBERO-AMERICAN HISTORY

Pioneer Jesuits in Northern Mexico. By Peter Masten Dunne, S.J., Ph.D. of the University of San Francisco. (Berkeley and Los Angeles: University of California Press. 1944. Pp. x, 227. $3.00.)

This is the third volume in the historical series on the Jesuits in Spanish North America, written under the direction of its editor, Professor Herbert E. Bolton. It is Father Dunne's second contribution to the series, his *Pioneer Black Robes on the West Coast* having been published in 1940. The publication of this third volume marks another step in the long-overdue revelation to readers in English that here we have one of history's great stories. For too long Jesuit missionary activities in North America has meant in French North America only. The work of Professor Bolton and his associates has made it clear that Jesuit activities in Spanish North America considerably outstripped those of New France in scope, variety, and number of conversions. This is affirmed with no intention of detracting from the glorious chapters of the French Jesuits in Canada, New York, and Middle America. Thanks to Parkman, Thwaites, and others, "they already have their reward."

Father Dunne's more recent work continues the narrative he began in his *Pioneer Black Robes.* The chronological span is the same (roughly 1590-1630) but the mission area involved is different. His first work told the story of the missions on the west coast of Mexico from the Río Sinaloa to the Río Sonora. *Pioneer Jesuits in Northern Mexico* recounts Jesuit activities in an area extending fan-wise to the north from the city of Durango, in and immediately on either side of the Sierra Madre Occidental. The next volume in the series by John F. Bannon, S.J., will extend the story to the northwest frontier of New Spain from 1620 to 1687.

As the author makes plain, the Jesuits were not the first missionaries to preach among the Indians of this region of New Spain. The "first advance of the frontier east of the mountains is intimately associated with the missionary activity of the Franciscans, just as to the south and west of the mountains in the period that followed the settlement of Culiacan . . . " (p. 17). To the question of how it happened that the Jesuits came to share a work begun by the Franciscans, the author gives good reply. "The answer is that the field was large enough to absorb the energies of more than one missionary society and to allow Jesuit and Franciscan to carry on their work side by side" (p. 17). It is regrettable that the Franciscan story is less well known and that the sources of information on their missions in Nueva Viscaya are not so numerous.

While Father Dunne's narrative comprises Jesuit missionary labors among the Laguneros, Tepehuanes, Xiximes, and Acaxees, the most engrossing and skillfully handled portions of the book deal with the Tepehuanes. These "were a noisy, unruly, and warlike race . . . the ancient kidnapers and gangsters of northwest Mexico" (p. 32). The author's estimate of the Tepehuanes is quite at variance with that of the missionaries themselves when they first began the Tepehuán conversion. The bloody Tepehuán Revolt of 1616—"the most disastrous revolt of all Mexican mission history" (p. 33), toned down the original optimistic view, and led to the death of more than two hundred Spaniards, including eight Jesuits, one Franciscan, and one Dominican.

Some reviewers would label this book "laudatory." The insinuation would be that it praises beyond the justification of history. The reasoning would be that the work is written by a Jesuit about Jesuits. But the more one dips into the mission history of all the orders in colonial Spanish America, the more one is convinced that "laudatory" and "historical" can mean the same thing. Father Dunne's book is a work of real scholarship. He has drawn abundantly from original sources, especially the *Cartas Anuas,* and used them to augment and correct earlier works like those of Alegre and Pérez de Ribas. The finished product is a valuable history and a readable story.

A few criticisms of a minor nature. The story is slow getting under way. The first two chapters suffer from the author's attempt to look out of all the windows of the Jesuit house at the same time and thus fit this mission story into the contemporary world-wide Jesuit picture. The result is a bit distracting. Again, the abundant description of the locale of the various Indian groups and the missions serving each might have been made more lucid by a map, such as the one in the author's *Pioneer Black Robes,* locating the tribal areas. A map is included in this volume (following page 228) but it is deficient in a few respects, *e.g.,* it fails to locate the first Tepehuán mission at Sauceda.

The essay on sources at the end is excellent. The bibliography has one important omission; it does not include Father Dunne's own *Pioneer Black Robes on the West Coast!*

ROBERT J. WELCH

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El Primer Colegio de América: Santa Cruz de Tlaltelolco. Por Francisco Borgia Steck, O.F.M., con un estudio del codice de Tlaltelolco, por R. H. Barlow. (México: Centro de Estudios Franciscanos. 1944. Pp. 106. $2.00.)

Historians old and new have had little to say about the first college in America, Santa Cruz de Tlaltelolco. From Peter Martyr and Las Casas down to Bancroft, Parkes, and Priestley we have concerning Santa Cruz either silence or a mere passing reference. Bernardino de Sahagún gives a more generous notice and he was part of its history. We are, therefore, grateful for the present monograph. Father Steck, drawing upon published and unpublished sources, has given us the authentic history of the institution's all too brief existence, if we consider the original purposes for which it was founded. The Franciscans of the recently conquered Tenochtitlán (Mexico City) were able, with the powerful support of Viceroy Mendoza and Bishop Zumárraga, to found in 1536 (exactly a century before Harvard) a college for the education of Indian boys. The Franciscans took charge of the teaching and discipline; the finances were managed by a major-domo, representing the viceroy, who was the main economic supporter of the college. The funadmental courses were the old trivium and quadrivium of the Middle Ages. But since education for the priesthood was one of the purposes, courses in theology and scripture were given. Because of the recurrent epidemics, courses in medicine were added. There was instruction in painting. The Indians showed ability; they became proficient in Latin; graduates returned to hold professorial chairs. Unfortunately, there developed opposition in high places, while the very economic existence of the college depended upon the approval and favor of the viceroy. After the reign of the first Velasco, 1564, it lost its original character as a school for Indian youth.

The three-foot-long photograph of the *Códice de Tlaltelolco,* preserved in the Museo Nacional de Anthropología de México, with the accompanying explanation, enhance the quality of the monograph. It is strange that works like those of Cuevas and Ricard, referred to in the notes, are not listed in the bibliography, although the latter is sufficient for so specialized a monograph.

History should not be bent to the menial tasks of propaganda. In a sort of introductory chapter Father Steck over-emphasizes the importance of

the founding of the college as an argument against the alleged oppression and neglect of the Indian. His remarks would carry more weight had there been at that time more such institutions in New Spain and had Tlaltelolco itself been able to hold to its original purpose for longer than a brief twenty-eight years. But what the propagators of the *leyenda negra* did not know, or did not care to remember, following the psychology of the partisan, was that if the Indian was oppressed and neglected, it was not the fault of the padres and the missionaries, and these were also Spaniards. Nor was it the fault of the Spanish legislators at home. Certainly the magnificent record of zeal and devotion on the part of the Franciscan fathers for the welfare of the Indian shines in the record of history with a consoling and often a brilliant light.

PETER M. DUNNE

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NOTES AND COMMENTS

With a view to stimulating the writing of scholarly studies in the history of the Catholic Church and of encouraging Catholic historians to productive effort in the field of church history, the American Catholic Historical Association at its Silver Jubilee Meeting in Chicago on December 28, 1944, inaugurated the grant of an annual award to be known as the John Gilmary Shea Prize for a published volume or a completed manuscript which makes an original contribution to historical knowledge. The Executive Council of the Association approved a temporary committee consisting of John K. Cartwright, Martin R. P. McGuire, and John Tracy Ellis to draw up the conditions governing the award. This committee then submitted a set of tentative regulations to the Council by mail and, with certain changes, these regulations were approved. They read as follows:

The John Gilmary Shea Prize shall be awarded annually by the American Catholic Historical Association for a published volume or a completed manuscript which makes an original contribution to historical knowledge, preferably in some field which has a direct bearing on the history of the Catholic Church.

The Association shall grant the winner of the prize an award of $200. However, the Association reserves the right, should the committee judge the books or manuscripts submitted in any single year not to be worthy, to pass over that year without making the award.

The permanent committee for the prize shall consist of the President and the Secretary of the Association as *ex officio* members, as provided in the Constitution for all committees, as well as three qualified members of the Association, the choice of whose names shall be made by the temporary committee and submitted in writing to the Executive Council for their approval for the first term of years. The members of the permanent committee so chosen and so approved shall serve one for three years, one for two years, and one for one year. Hereafter the vacant place on the committee shall be filled each year by nomination of the Committee on Nominations at the annual meeting of the Association for a term of three years.

Books and manuscripts are to be submitted to the Secretary of the Association not later than July 1 of the year in which the award is made. Announcement of the winner of the prize shall be made at the annual luncheon of the Association.

The temporary committee recommended to the Executive Council the following three names to constitute the first permanent committee: Johannes Quasten, Catholic University of America (three years); Leo F. Stock, Carnegie Institution of Washington (two years); Herbert C. F. Bell, Wesleyan University (one year).

Shortly after the opening of the new year the Office of Defense Transportation issued a series of directives governing the holding of all conventions and meetings. These regulations are such as to make it practically impossible to hold annual meetings of the American Catholic Historical Association for the remainder of the war emergency. In the light of this information the Secretary communicated by mail with the Executive Council and secured from them permission to cancel the annual meeting for 1945 unless conditions had greatly changed by the early autumn. The Council likewise gave its approval to the holding of a luncheon conference in Washington for local members sometime during December so that the presidential address may be read and the necessary business of the Association transacted. Members will be kept informed through the REVIEW of further developments in this matter.

The National Archives will offer a brief summer course from June 11-30, 1945, for students interested in the preservation and administration of archival materials. The course will be given by Ernst Posner, adjunct professor of archives administration in the American University, Morris L. Radoff, archivist of the Maryland Hall of Records at Annapolis, and others experienced in caring for documents. The course is designed for persons who have care of archival collections but who do not have the time for the extended course given at the National Archives during the regular school year. It should offer to custodians of diocesan archives an excellent chance to put themselves abreast of the latest techniques in this rapidly developing field.

In connection with the erection of the new archdiocese and diocese in Indiana, attention has been called to an interesting error made in the erection of the Diocese of Fort Wayne in 1857. According to the document which defined the limits of the new diocese, the counties of Indiana which formed the borders of the new diocese were erected into the Diocese of Fort Wayne and all the other counties were left in the old Diocese of Vincennes. Thus, the center counties, including Allen County and the diocesan see, Fort Wayne, were excluded from the new diocese. The error was not corrected by an official decree until March 29, 1912. Besides this fact of history there is the interesting problem for the canonists to determine the origin of the jurisdiction of the pastors in the excluded parishes during the interim.

Many of the religious communities in the United States owe their beginning in this country to persecutions in their original homes in Europe. Chief among these are the religious groups driven out of Germany by the Kulturkampf. During the present religious and political troubles in

Europe many religious organizations, some of them new to America, have found refuge in this country. Among the exiles are included notable persons in the field of scholarship and art. Only future historians will be able to estimate the effect of this migration on the future of American Catholic culture, but it is to be hoped that every effort will be made to enable these exiles to contribute to American culture.

There have been many outstanding priests in the history of the United States the stories of whose lives are known scarcely at all outside their immediate locality, yet whose biography would be well worth the telling. One of these was Thomas Smith Major, the first of whose descendants came to Virginia from England in the early seventeenth century. George Major, the grandfather of this priest, was only four years old when his family moved to Kentucky in 1786 in the heavy migration out of Virginia that marked the late eighteenth century. The Major family settled in Bourbon County and it was there on July 13, 1844, that Thomas Smith Major was born. The Majors had been Episcopalians, although the religious affiliation of the family in the mid-nineteenth century is not clear. In September, 1862, Thomas Smith Major enlisted in Morgan's Cavalry at Lexington when only eighteen years old. He fought throughout the Civil War and was wounded in Ohio on July 26, 1863, later being captured and held prisoner at Fort Douglas. He escaped from prison, however, and went to Cincinnati and it was there that he was converted to the Catholic Church. He studied for the priesthood at Spring Hill College, Mobile, and was ordained on November 14, 1875. After some years in various parishes of the Diocese of Louisville, Father Major did parochial work in the Diocese of Peoria under the Kentucky-born Bishop John Lancaster Spalding. From October, 1880, to August, 1883, he was pastor of St. Patrick's Church, Seneca, Illinois, and thereafter served as pastor at Campus, Illinois, and its neighboring missions from 1883-1886.

Major was the original of Father Miner in Irvin Cobb's "Judge Priest" stories. He was likewise a friend of Father Abram Ryan, the poet-priest of the Confederacy. His photograph hangs in the Kentucky State Historical Society's rooms in the old state house at Frankfort. When he died on August 22, 1911, at Frankfort, where he had been stationed since 1902, the Lexington *Herald* referred to him as "the best known man in the state." A considerable amount of biographical data on Father Major was collected by a cousin, Lieutenant-Commander S. I. M. Major, Retired, of Frankfort, Kentucky, who communicated it to the Reverend Thomas F. Cleary, historiographer of the Diocese of Peoria and pastor of St. John's Church, Bradford, Illinois, who, in turn, transmitted it to the editors of the REVIEW.

John Tracy Ellis, associate professor of American church history in the Catholic University of America and managing editor of the REVIEW, has begun collecting materials for a life of Cardinal Gibbons. Permission for the use of the Baltimore Cathedral Archives, which contain an immense amount of material on the Gibbons period, has been granted by the Most Reverend Michael J. Curley, Archbishop of Baltimore and Washington. The biography of Gibbons will be, of course, a big task due to the national character which the cardinal's life assumed and to the fact that the period during which he ruled the Archdiocese of Baltimore, 1877-1921, was such a long one. However, it is intended that a beginning be made now in the collection of materials and Father Ellis will, therefore, be grateful to readers of the REVIEW who may possess correspondence, newspaper clippings, or printed works relating to Gibbons' life if they will let him know of such.

The annual report of the secretary of the Commission for the Catholic Missions among the Colored People and the Indians for 1944 carries the interesting news of 511 priests now working among the Colored, an increase of twenty over 1943. There are at present 261 schools for the 56,185 colored children with over 1800 religious and 200 lay teachers engaged in this important work. The number of converts reported for 1944 was 5,249. For the Indians there are 64 mission schools with an attendance of 6,794, which is an increase of 154 students over 1943. There are approximately 400 chapels on various reservations and in Alaska for the Catholic Indians. The total number of adult baptisms reported were 512 for 1944.

Discovery of several letters written by Abraham Lincoln was disclosed by Mr. J. H. Cramer, authority on Lincoln and Secretary of the Lincoln Association of Ohio. Found in the archives of the Western Reserve Historical Society, the letters are being used for a new book by Mr. Cramer on Lincoln's journey through Ohio. The W. P. Paler collection of the Society, according to Mr. Cramer, is a gold mine of Lincolniana.

The Bibliographical Society of America is preparing a short-title bibliography of American literature since the beginning of the Federal period. Only authors whose work is primarily of literary interest will be included.

A Dictionary of Colonial American Biography up to the outbreak of the American Revolution is to be edited by Louis K. Koontz and Kenneth P. Bailey of the University of California at Los Angeles. It will consist of short biographical articles on little-known individuals who influenced the course of events.

The American Documentation Institute at its annual meeting in Washington, D. C., on January 25 announced its various services during the year. Among other activities it provided sets of journals in microfilm and co-operated with the United States Department of Agriculture in providing Bibliofilm Service. It is preparing a list of deposited documents and translations. Its chief objective for the present is aiding the war effort, e.g., in distributing information on advances in medicine. A considerable part of the meeting was devoted to a lively discussion of microprint. The Library of Congress is undertaking a large-scale experimental project in this new technique to ascertain its practicability.

In August, 1942, Stanford University established the Institute of American History with the purpose of forming a loose organization of all the American history teachers in the universities, colleges, junior colleges, and high schools in the state. It was hoped that by so organizing, the teaching program could be correlated. As its first project the Institute sent out a questionnaire to the public high schools of the state concerning the problems and difficulties met in teaching American history. The replies indicated that history was being slighted because state curriculum requirements and the method of teaching gave too little time to it. The teachers suggested better texts and properly trained personnel as part of the solution. The work has been exploratory so far, but the initial steps have been taken to remedy the situation. It is interesting to note that Stanford felt the need of investigation of the matter some time before it came to the attention of the New York *Times*.

The Catholic War Veterans have been sponsoring a national essay contest on the topic, "America's Youth and the Bill of Rights." The contest closed March 31. First prize is a thousand-dollar war bond. Fifty additional prizes of twenty-five-dollar war bonds will be awarded to essays of special merit.

The valuable *Bulletin des Recherches Historiques* of Quebec, which began publication in January, 1895, under the editorship of the distinguished Canadian historian and archivist, Pierre-Georges Roy, has just celebrated its golden jubilee. The issue of January-February contains letters of appreciation from a number of institutions and individuals felicitating M. Roy and testifying to the value of the *Bulletin*. The editors of the REVIEW are happy to take this opportunity to congratulate their Canadian co-workers, whose publication, so rich in Canadian lore, has been coming to our office for many years.

Dr. Henry Thomas, keeper of Printed Books, the British Museum, recently spoke at the Catholic University of America on "The Pilgrim Way

of Santiago de Compostela" under the auspices of the University's Institute of Ibero-American Studies.

Dr. Manoel da S. S. Cardozo, one of our advisory editors, spoke at the University of Pittsburgh in March on "Salazar of Portugal." Dr. Cardozo was elected an associate member of Phi Alpha Theta, national honorary fraternity in history.

The Most Reverend Edwin V. O'Hara, Bishop of Kansas City, has left for São Paulo, Brazil, where he will take part in the opening of the Exhibition on American Catholic Life. The exhibition was arranged by Father Sabóia de Medeiros, S.J., who returned to Brazil from the United States several months ago.

Professor John Tate Lanning, of Duke University, has resigned his position as managing editor of *The Hispanic American Historical Review* in order to devote his time to the study of colonial Spanish-American intellectual life. Professor Lanning should be commended for the long years he spent in charge of one of our most important journals in the field of Latin-American history.

The report of the Interdepartmental Committee on Co-operation with the American Republics (Department of State, Publication 2248, Inter-American Series 25) appeared on December 1, 1944.

Plans have been announced for the construction of a handsome building for the National Archive of Rio. The Archive is under the direction of Dr. Ernesto Vilhena de Morais, a leader in Brazilian Catholic Action.

A bibliography on the history of the Brazilian republic is being prepared under the direction of Rubens Borba de Morais, formerly head of the Municipal Library of São Paulo, Brazil. A list of printed works on the period since 1889 is urgently needed.

Two historians have recently been honored by the Brazilian Academy of Letters. Pedro Calmon, the author of numerous studies on Brazilian colonial history, has been elected to the presidency; Luiz Edmundo, who is well known for his book on Rio during the vice-regal period, has been elected to membership.

Dr. J. Manuel Espinosa's long article, "José de Anchieta: 'Apostle of Brazil,'" first published in *Mid America* (Vols. 25 and 26, numbers 4 and 1 respectively), has been issued in pamphlet form. This is the best summary in English of the life and achievements of one of the Jesuit founders of sixteenth-century Brazil.

The first centenary of the birth of Dom Vital, Bishop of Olinda, Brazil, who was sentenced to prison as the aftermath of a dispute over Masonry which arose in Brazil during the latter years of the Empire, was widely celebrated last November. The November 26, 1944, supplement of the *Jornal do Brasil* of Rio was devoted almost exclusively to the event.

Because of unavoidable delays caused by the war, it is only now that we are able to note the golden anniversary of the Academia Nacional de Historia of Buenos Aires, celebrated in 1943.

The sixtieth birthday of Dr. Victor Andrés Belaúnde was the occasion for a testimonial number of the *Mercurio Peruano* of Lima (January, 1944). Dr. Belaúnde is one of the outstanding leaders of Catholic Action in Peru, and was recently granted the degree of doctor *honoris causa* by the Catholic University of America. The REVIEW wishes Dr. Belaúnde many more years of fruitful labor.

The National University of Colombia, Bogotá, has issued the first number of its latest publication, *Universidad Nacional de Colombia* (October, 1944). The review will continue to publish contributions by members of the university faculty.

Elaborate preparations are under way to celebrate the fourth centenary of the founding of Antigua, Guatemala, the most important cultural center in Central America during the colonial period.

The Academia Nacional de la Historia of Caracas, Venezuela, has created a special Bolivarian Library. The Academy will welcome the gift of any work on the South American Liberator.

It is exceedingly gratifying to know that the work of the Bollandists has continued during the war period. Volumes 59 (1941) to 62 (1944) of the *Analecta Bollandiana* have been published. We have been fortunate enough to receive offprints from these volumes of several articles by Père Baudouin de Gaiffier, all done in his usual meticulous fashion. In 1941 he edited a life of St. Turibius from a Turin manuscript with critical introduction and notes. The *vita* confuses the three or more Spanish saints of that name and hence cannot help us in distinguishing them. In 1942 he edited "La passion de SS. Cyriaque et Paule" and showed that they are African and not Spanish martyrs. Their cult in Spain is further proof of the close connection between the African and Spanish churches. The following year in writing on the martyrology of St. Cyriacus in Thermis he deflates its importance and shows that this was exaggerated by Baronius.

He also criticizes Baronius' references to the martyrology of Bede. In another article in the same volume Father de Gaiffier traces the legend that transferred the martyr Marcellus of Tangiers from Africa to Leon in Spain and other legends referring to the same saint. With this should be connected his philological study appearing in the *Bulletin du Cange* (Vol. XVI, 1941) on the *elogium,* or résumé of the accusation, of the same *passio.* De Gaiffier also contributed "Un thème hagiographique: Le pendu miraculeusement sauvé" to the *Revue belge d'archéologie et d'histoire de l'art* (Vol. XIII, 1943). The legends of hanged men saved by saints afforded a favorite theme for paintings. The subject has been treated before, but de Gaiffier corrects and completes the work of his predecessors. He offers many excellent illustrations.

The *Bulletin of the Polish Institute of Arts and Sciences in America* of October, 1944, contains four papers on the city of Warsaw and a number of papers on Polish-American studies.

Christopher Norris in the *Burlington Magazine* for March, 1944 reports the almost complete destruction of a great quantity of historical documents belonging to the State Archives of Naples that were stored at Villa Montesano at Livardi near Nola. They were burned by a group of German marauders on September 30, 1943. A large number of charters, civil and monastic, dating from the eighth century on, and many chancery registers, e.g., Angevin, Aragonese, and Bourbon, perished. Over 800 cases of documents seem to have been destroyed. The loss to European history is incalculable.

Duane Koenig of the University of Missouri has an interesting illustrated article on "Life in Papal Rome in the Late Eighteenth Century," in the January issue of *Social Studies.* The same number of the periodical carries a brief article on "Japan and Russia, Friends or Enemies?" by Esther Bach of Marygrove College, Detroit.

F. C. C. Egerton's *Salazar, Rebuilder of Portugal,* though published in 1943, is not well known in this country. It is an enthusiastic account by a well-informed Protestant.

Frederick Copleston, S.J., whose study of Nietzsche has received wide acclaim, has also published a book on *Schopenhauer* (Burns & Oates, 1944).

The two-volume work of E. A. Gutkind entitled, *Creative Demobilisation,* published by the Oxford University Press, was listed in our Books Received column in January as selling for $6.00. This was in error. The price is $12.00 and the two volumes are not sold separately.

Leo F. Stock, president of the American Catholic Historical Association in 1929, edited for the *American Historical Review* for January "Some Bryce-Jameson Correspondence," a series of letters running from November, 1907, to March, 1927. It is interesting to note that when Bryce asked Jameson in 1907 to give him the names of a small group of men in the city of Washington who would be interested in occasional chats on scholarly and professional subjects, Dr. Jameson sent him the names of five professors at the Catholic University of America and that of Father Edward I. Devitt, S.J., of Georgetown University.

John J. Meng, 1945 president of the American Catholic Historical Association, served as one of the American representatives at the Inter-American Academy of Comparative and International Law held in Havana on January 6-16. It is the purpose of the academy to establish for the Americas an institution similar in character to the Hague Academy of International Law.

The editors of the REVIEW congratulate the Right Reverend John K. Cartwright, treasurer of the American Catholic Historical Association since 1931, on his promotion to the rank of a domestic prelate, announced by Archbishop Curley on February 16.

The Reverend Dr. Edwin Ryan has been appointed chaplain of the College of New Rochelle.

Professor Vivian Galbraith has been appointed director of the Institute of Historical Research and editor of its *Bulletin*.

Dixon Ryan Fox, president of Union College and co-editor of the History of American Life Series, died rather suddenly on January 30. His most recent publication appeared a few months ago in the final volume of the notable series edited by himself and Professor Schlesinger. Written in collaboration with John Allen Krout, it is entitled: *The Completion of Independence, 1790-1830.*

Charles Oscar Paullin, the distinguished historian and geographer, whose last years of active scholarly work were spent as a staff member of the Carnegie Institution of Washington, died on September 1, 1944. Dr. Paullin took his B.S.S. degree at the Catholic University of America in 1897 where he studied under Professor Charles P. Neill. His doctorate was taken at the University of Chicago in 1904. Among his many publications was the *Atlas of the Historical Geography of the United States,* which won him with John K. Wright the Loubat Prize in 1933.

The autumn issue of *Pax* carries an article on Watkin Wynn Williams, Anglican clergyman and authority on St. Bernard of Clairvaux, who died on June 22, 1944.

Dr. Hubert Hall, author of invaluable volumes on using English documents, died recently at an advanced age as a victim of the war. Born in 1859, he became a member of the staff of the Public Record Office in 1892, where he served for thirty years. He acted as literary director of the Royal Historical Society from 1891 to 1938 and was active in numerous other historical societies.

Dom Henri Leclercq died in London on March 22. He had sent the manuscript for the last volume of his *Dictionnaire d'archéologie chrétienne et de liturgie* to his publishers in Paris. In scholarly circles his work is too well-known to require comment. Busy savant though he was, he used to write kindly letters to young scholars who sent him their dissertations on the early Christian period or the early middle ages. He, for one, appreciated their work; it was valuable grist to his mill.

No satisfactory estimate of the Catholic Congress movement of the nineteenth century has yet been written. Neither has there been a competent estimate of the Eucharistic Congress movement in the United States. These congresses undoubtedly have had great influence, not only in defining the nature of Catholic worship to American non-Catholics, but also in clarifying the position of the Eucharistic service among Catholic devotions. It is interesting to note, in this connection, that 1945 marks the fiftieth anniversary of the first Eucharist Congress, held in Washington, D. C., on October 2 and 3, 1895. Speakers during the Congress included the Very Reverend Edward R. Dyer, S.S., the Reverend Herman J. Heuser, and the Reverend Walter Elliott, C.S.P.

On July 10, 1869, John Lancaster Spalding, later first Bishop of Peoria, was appointed by Bishop William G. McCloskey to organize St. Augustine Parish in Louisville, the first parish for colored Catholics in the city. The first school was opened in February, 1871, with about sixty-five students under the direction of two Sisters of Charity of Nazareth. The diamond jubilee of the parish was celebrated on February 18-20 and a slight brochure published to commemorate the event.

Although the dates of the American foundation of older communities are certainly to be commemorated, the foundation dates of American communities have an added interest to the historian of the Church in America. One of these communities of American origin, the Congregation of the Sisters,

Servants of the Immaculate Heart of Mary was founded in Monroe, Michigan, in November, 1845, by Father Louis Florent Gillet, C.SS.R. Besides the flourishing mother community with headquarters in Monroe, two independent branches with centers in West Chester and Scranton, Pennsylvania, are very active in the service of the Church in this country. The principal work of the community is the education of youth.

The College of Notre Dame of Maryland is observing its golden jubilee with a series of five lectures on the liberal arts college.

Edward V. Cardinal, assistant professor of history in Loyola University, Chicago, since 1938 and visiting lecturer in the summer sessions of the Catholic University of America since 1939, has been promoted to the rank of associated professor.

Documents: A Royal Cedula of Carlos III concerning the Missions of Lower California. Maximin C. J. Piette, O.F.M. (*Americas,* Oct.).—Letter of Antonio López de Santa Anna to Manuel Reyes Veramendi, president of the *Ayuntamiento* of Mexico City. Robert S. Chamberlain (*Hispanic Amer. Histor. Rev.,* Nov.).—Letter from the Reverend Michael Heiss, rector of the seminary, to the Board of Directors of the Ludwigmissionsverein of Munich, Feb. 23, 1856. Peter Leo Johnson (*Salesianum,* Jan.).—Some Bryce-Jameson Correspondence. Leo Francis Stock (*American Histor. Rev.,* Jan.).

PERIODICAL LITERATURE

MISCELLANEOUS

The Catholic Tradition in International Relations. John Eppstein (*Month*, Nov.).
Secret Sources of the Success of the Racist Ideology. Yves R. Simon (*Rev. of Politics*, Jan.).
The Vatican's Position in Europe. Luigi Sturzo (*Foreign Affairs*, Jan.).
Europe and the Atlantic Community. Ross Hoffman (*Thought*, Mar.).
Four Phases of Russian Internationalism. N. S. Timasheff (*ibid.*).
The Problem of Frontiers in Postwar Europe. E. R. Von Kuehnelt-Leddihn (*ibid.*).
The Influence of Social Facts on Ethical Conceptions. Don Luigi Sturzo (*ibid.*).
La enseñanza de la Historia Eclesiástica en la Roma del Humanismo y del Barroco. Pedro Leturia, S.J. (*Razón y Fe*, Apr., 1944).
Esfuerzo y trascendencia de Migne: notas en un centenario. J. Sagüés, S.J. (*ibid.*, June, 1944).
Evolution and Theology in America. Herbert W. Schneider (*Jrn. Hist. of Ideas*, Jan.).
History as a Liberal Art. Jacques Barzun (*ibid.*).
Between Slavery and Freedom. William Linn Westermann (*American Histor. Rev.*, Jan.).
The Houses of Tuscany and of Pierleone in the Crisis of Rome in the Eleventh Century. Demetrius B. Zema, S.J. (*Traditio*, II, 1944).
The Clerical Population of Medieval England. Josiah Cox Russell (*ibid.*).
The Latin Empire of Constantinople and the Franciscans. Robert Lee Wolff (*ibid.*).
The Intellectual Life of Fifteenth-Century Rhodes. Vincent J. Flynn (*ibid.*).
The Scholastic Background of Marsilio Ficino, with an Edition of Unpublished Texts. Paul O. Kristeller (*ibid.*).
Classical and Christian Ideas of World Harmony: Prolegomena to an Interpretation of the Word "Stimmung." Part I. Leo Spitzer (*ibid.*).
Concerning William of Ockham. Anton C. Pegis (*ibid.*).
Tertullian and "Traditio." Johannes Quasten (*ibid.*).
Cyril of Alexandria on "Wool and Linen." Walter J. Burghardt, S. J. (*ibid.*).
The Synodal Letter of Rimini and the Roman Canon Missae. Thomas Michels, O.S.B. (*ibid.*).
A Quaestio by Master Udo. Artur Landgraf (*ibid.*).
Pierre de Roissy and Robert of Flamborough. Stephan Kuttner (*ibid.*).
The Indian Provenance of a Medieval Exemplum. Alexander H. Krappe (*ibid.*).
King Arthur's Round Table—an "Academic Club" in Thirteenth-Century Tuscany. Helene Wieruszowski (*ibid.*).
A Coptic Bibliography. Winifred Kammerer (*ibid.*).
The Mind of St. Augustine. Anton C. Pegis (*Mediaeval Studies*, VI, 1944).
Bonum commune melius est quam bonum unius. Eine Studie ueber den Wertvorrang des Personalen bei Thomas von Aquin. I. Th. Eschmann, O.P. (*ibid.*).
The Moment of Consecration and the Elevation of the Host. V. L. Kennedy, C.S.B. (*ibid.*).
The Hexameron of Robert Grosseteste, the First Twelve Chapters of Part Seven. J. T. Muckle, C.S.B. (*ibid.*).
An Inquiry into the Origins of Courtly Love. A. J. Denomy, C.S.B. (*ibid.*).
The Writ of Prohibition to Court Christian in the Thirteenth Century. G. B. Flahiff, C.S.B. (*ibid.*).

The Pilgrim-Diary of Nikulas Munkathvera: The Road to Rome. Francis P. Magoun, Jr. (*ibid.*).
Studies on St. Bernardine of Siena (*Franciscan Studies*, Dec.).
St. Felix of Cantalice. Fr. Blase Gitzen (*Round Table of Franciscan Research*, Oct., 1944).
The Peace of Brother Peaceful. Fr. Salvator Schlaefer (*ibid.*).
The Franciscan Heritage. Part II. Fr. Demetrius Manousos (*ibid.*).
Mental Prayer and the Early Capuchins. Fr. Gall Higgins (*ibid.*, Jan.).
St. Bonaventure's Teaching on the Mystical Body. Fr. Irvin Udulutsch, Fr. Thaddeus MacVicar, and Fr. Florian Ruskamp (*ibid.*).
Jean-Baptiste au Desert. Elie Bikerman (*Byzantion*, Vol. XVI, Fasc. 1, 1944.).
The Original Lists of the Members of the Council of Nicaea, the Robber-Synod and the Council of Chalcedon. Ernest Honigmann (*ibid.*).
Sur l'origine des Alains. George Vernadsky (*ibid.*).
Illustration for the Chronicles of Sozomenos, Theodoret and Malalas. Kurt Weitzmann (*ibid.*).
The Maiden's Stratagem. Campbell Bonner (*ibid.*).
An Alleged Portrait of Heraclius. Otto Kurz (*ibid.*).
The Life of St. Theodore of Edessa. A. Vasiliev (*ibid.*).
The Gospels of Bert'ay: An Old-Georgian Ms. of the Tenth Century. R. P. Blake and Sirarpie Der Nersessian (*ibid.*).
The Strife among the Palaeologi and the Ottoman Turks, 1370-1402. Peter Charanis (*ibid.*).
Stojan Novakovic on the So-Called "Serbian Alexander." Francis P. Magoun, Jr. (*ibid.*).
Niebuhr's Philosophy of History. N. P. Jacobson (*Harvard Theological Rev.*, Oct.).
Ghevond's Text of the Correspondence Between 'Umar II and Leo III. Arthur Jeffery (*ibid.*).
Gamaliel's Speech and Caligula's Statue. Joseph Ward Swain (*ibid.*).
O Santo Sudário de Turim. Clovis Passos, C.M. (*Revista Eclesiástica Brasileira*, Dec.).
Pater Abraham a Sancta Clara 1644-1709. Francis Roth, O.S.A. (*Monatshefte für deutschen Unterricht*, Oct.).
Decline of the Guilds. Francis J. Aspenleiter, S.J. (*Histor. Bul.*, Jan.).
Krakow: The Ideal of a University. Eric P. Kelly (*America*, Jan. 13).
High-Lights of Armenian Mediaeval Ecclesiastical Literature. Leon Arpee (*Church Hist.*, Dec.).
Benedictines and Architecture. Romanus Rios, O.S.B. (*Pax*, Winter).
Saint Ignatius Loyola and Public Worship. Gerald Ellard (*Thought*, Dec.).
Clerics of St. Viator. Sister M. Lilliana Owens (*Histor. Bul.*, Jan.).
A Turkish Traveller of the Seventeenth Century. W. R. Halliday (*History*, Sept.).
El "hombre nuevo" de Carlos Marx después de un siglo (1844-1944). J. Iturrioz, S.J. (*Razón y Fe*, Dec., 1944).
Centenary of Friedrich Nietzsche. Frederick C. Copleston, S.J. (*Studies*, Dec.).

EUROPEAN

The Roman Empire and Modern Europe. J. M. C. Toynbee (*Dublin Rev.*, Mar.).
The Question of Czecho-Slovakia. R. Arnold Jones (*ibid.*).
Belgian Elections of 1884. Clarence A. Herbst, S.J. (*Histor. Bul.*, Jan.).
The Mass in Late Seventeenth Century France. W. T. Mitchell (*Pax*, Winter).
El pueblo rumano y su lucha secular. Francisco Pall, S.J. (*Razón y Fe*, Apr., 1944).
El simbolismo mariano de los iconos rusos. José A. de Aldama, S.J. (*ibid.*, May, 1944).
La soberanía de Dios en las "Leyes de Indias." Santiago Castillo (*ibid.*).
Figura y carácter de Ignacio de Loyola. Part III. M. de Iriarte, S.J. (*ibid.*, June, 1944).

Islamismo y Cristianismo. J. E. Janot, S.J. (*ibid.*, July, 1944).
Consejos del Nuncio Mgr. Camilo Caetano a Felipe III el dia que ciñó la corona de España. L. Lopetegui, S.J. (*ibid.*).
Figura y carácter de Ignacio de Loyola. Part IV. M. de Iriarte, S.J. (*ibid.*).
El "litigio de los Cabildos" y su repercusión en las relaciones con Roma (1551-1556). F. Cereceda, S.J. (*ibid.*, Sept., 1944).
Los jesuítas, proveedores de bibliotecas: recuento de muchos espolios. C. Eguia, S.J. (*ibid.*).
Los niños indigenas en la cristianización de América, una página conmovedora. C. Bayle, S.J. (*ibid.*).
La Iglesia y los toros. Julián Pereda, S.J. (*ibid.*, Dec.).
Las Controversias de Indias y las ideas teológico-jurídicas medievales que las preparan y explican. Venancio D. Carro, O.P. (*Ciencia Tomista*, Tomo 67, Fasc. 4, 1944).
Austrian Independence. George M. Von Alexich (*Thought*, Dec.).
On the Future of Germany. Waldemar Gurian (*Rev. of Politics*, Jan.).
The Beginnings of National Self-Determination in Europe. Roman Jakobson (*ibid.*).
The Slovak "State": How It Was Born and How It Will Die. Vladimir Clementis (*Jrn. of Central Eur. Affairs*, Jan.).
The Question of Bukovina—Then and Now. Traian Valeanu (*ibid.*).
The Last European Settlement. F. W. Pick (*ibid.*).
Christina of Sweden. Marguerite Horan Gowen (*Records of Amer. Cath. Histor. Soc.*, Dec.).
Voltaire and the Ministers of Geneva. André Delattre (*Church Hist.*, Dec.).
Trinitarianism versus Antitrinitarianism in the Hungarian Reformation. William Toth (*ibid.*).
Johannes Matthiae and the Development of the Church of Sweden during the First Half of the Seventeenth Century. Martin E. Carlson (*ibid.*).

BRITISH EMPIRE

Hereford Cathedral Dignitaries in the Twelfth Century. Z. N. Brooke (*Cambridge Histor. Journal*, VIII, 1944, No. 1).
Feudal Society in the Thirteenth Century. N. Denholm-Young (*History*, Sept.).
The Armada Campaign of 1588. Lawrence Stone (*ibid.*).
Italian Trading Fleets in Medieval England. Alwyn A. Ruddock (*ibid.*).
The Pictorial Work in the "Flores Historiarum" of the so-called Matthew of Westminster (MS. Chetham, 6712). Albert Hollaender (*Bulletin of the John Rylands Library*, Dec.).
The Morrow of the Great Charter. H. G. Richardson (*ibid.*).
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The Government of England during the Absence of Richard on the Third Crusade. Bertie Wilkinson (*ibid.*).
How England Lost the Christian Tradition. Philip Hughes (*Dublin Rev.*, Mar.).
The Surnames of Scotland, Their Origin, Meaning, and History. Part XV. George F. Black (*Bulletin of New York Public Library*, Dec.).
Sources for the Study of Scottish Ecclesiastical Organization and Personnel, 1560-1600. Gordon Donaldson (*Bulletin of the Institute of Histor. Research*, May, 1943).
The Episcopal Church in Scotland. Thomas John Hardy (*Month*, Nov.).
Lord Acton and the Popish Plot. Aubrey Gwynn (*Studies*, Dec.).
Post-War Archaeology in Ireland. Seán P. O Riordáin (*ibid.*).
Biographical Dictionary of Irishmen in France. Part XII. Richard Hayes (*ibid.*).
Father Christopher Holywood, S.J., 1559-1626. James Corboy, S.J. (*ibid.*).
The Citation of British and Irish Parliamentary Papers of the Nineteenth and Twentieth Centuries. Hugh Shearman (*Irish Histor. Studies*, Mar., 1944).
The Sources of the Preface to the 'Tigernach' Annals. R. A. S. Macalister (*ibid.*).

State-Aided Land Purchase under the Disestablishment Act of 1869. Hugh Shearman (*ibid.*).
Writings on Irish History, 1942. R. B. McDowell, Patrick Henchy, and T. P. O'Neill (*ibid.*).
Research on Irish History in Irish Universities, 1942-4. (*Ibid.*).

AMERICAN

Can We Have a History of the Church in the United States? John Tracy Ellis (*Catholic University Bulletin*, Mar.).
The Local Historian in New York. Albert B. Corey (*New York Hist.*, Jan.).
Supplement to the Guide to the Manuscript Collections in the Historical Society of Pennsylvania. (*Pennsylvania Mag. of Hist. and Biography*, Jan.).
Western Radicalism, 1865-1901: Concepts and Origins. Chester McA. Destler (*Mississippi Valley Histor. Rev.*, Dec.).
Locating the Printed Source Materials for United States History. Douglas C. McMurtrie (*ibid.*).
Mr. Justice Cardozo's Relativism. Miriam Theresa Rooney (*New Scholasticism*, Jan.).
Retracing the Route of Michaeux's Hudson's Bay Journey of 1792. Artheme Dutilly, O.M.I. and Ernest Lepage (*Revue de l'Université d'Ottawa*. Jan.).
Louis Jolliet—Early Years: 1645-1674. Jean Delanglez (*Mid-America*. Jan.).
Marquette's Autograph Map of the Mississippi River. *Idem.* (*ibid.*).
The Jesuit Archives at Buenos Aires. Peter M. Dunne (*ibid.*).
Shubael Bell (1766-1819) Boston Churchman and Prison Reformer. Charles Knowles Bolton (*Histor. Mag. of the Protestant Episcopal Church*, Dec.).
Unpublished Mazzei Letters to Jefferson. Howard R. Marraro (*William and Mary Quart.*, Oct.).
Philadelphia and the North American College, Rome. Cletus J. Benjamin (*Records of Amer. Cath. Histor. Soc.*, Dec.).
Il Pontificio Seminario Romano Maggiore. Francis J. Furey (*ibid.*).
The Quebec Act Leads to Catholic Emancipation in English-Speaking Countries. Sister Eugene Marie (*ibid.*).
Site of Milwaukee's First Hospital. Peter Leo Johnson (*Salesianum*, Jan.).
The Founding of New Subiaco Abbey. Michael Lensing, O.S.B. (*Arkansas Histor. Quart.*, Autumn).
The Southwestern Frontier, 1795-1817: an Essay in Social History. William B. Hamilton (*Jrn. of Southern Hist.*, Nov.).
Canada in the American Balance. J. W. Watson and W. R. Mead (*Culture*, Dec.).
Le lutte pour le droit français au Canada. Maximilien Caron (*ibid.*).
Dom Rodrigo de Castel-Blanco and the Brazilian El Dorado, 1673-1682. Manoel de Silveira Soares Cardozo (*Americas*, Oct.).
The Idea of a Franciscan Academy. Howard Mumford Jones (*ibid.*).
A Reconsideration of Spanish Colonial Culture. John Tate Lanning (*ibid.*).
Literary Contributions of Catholics in Nineteenth-Century Mexico. Francis Borgia Steck (*ibid.*).
Fray Alonso de la Vera Cruz and the Beginnings of Philosophic Speculation in the Americas. Kurt F. Reinhardt (*ibid.*).
The Franciscan Provinces of Spanish North America. Marion A. Habig (*ibid.*).
Friar Personnel and Mission Chronology 1598-1629 [*concluded*]. France V. Scholes and Lansing B. Bloom (*New Mexico Histor. Rev.*, Jan.).
Sinarchism—A Threat or a Promise? Richard Pattee (*Columbia*, Jan.).
Cuba Gives Democracy a Trial. Richard Pattee (*America*, Feb. 10).
British Policy towards Haiti, 1801-1805. H. B. L. Hughes (*Canadian Histor. Rev.*, Dec.).
Conquerors and Amazons in Mexico. Irving A. Leonard (*Hispanic Amer. Histor. Rev.*, Nov.).
Spanish Warfare against the Chichimecas in the 1570's. Philip Wayne Powell (*ibid.*).

The Effect of the Spanish Re-occupation of Eastern Texas upon French Policy in Louisiana, 1715-1717. Charmion Shelby (*ibid.*).

El azulejo de la antigua capital de la Nueva España. F. J. Rhode (*Filosofía y Letras,* Oct.).

La Iglesia y los Indios en el IIIer. Concilio Mexicano. Bernabe Navarro B. [with an introduction by Gabriel Méndez Plancarte] (*Abside,* Oct.).

La entrevista de Guayaquil. Vicente Lecuna (*Boletín de la Sociedad Bolivariana de Panamá,* Jan., 1944).

Historia Eclesiástica de la Amazonia Colombiana [*cont.*]. Marcelino de Castellvi (*Universidad Católica Bolivariana,* July).

Las relaciones entre las reales audiencias y los virreyes del nuevo reino de Granada durante el siglo XVIII. José Maria Ots Capdequi (*Universidad Nacional de Colombia revista trimestral de cultura moderna* [Bogotá], Oct., 1944).

Evolución constitucional del Perú. Jose Parega Paz Soldan (*Revista de la Universidad Católica del Perú,* Sept.).

Sobre la leyenda negra antiespañola. Carlos E. Grez (*Revista Universitaria* [Cath. Univ. of Chile] XXVIII, 2, 1943).

España frente a Europa durante el renacimiento. Ricardo Krebs (*ibid.*).

Vespucio, el personaje más calumniado de la historia. Julio Montebruno L. (*Revista Chilena de Historia y Geografía* [Santiago de Chile], Jan., 1944).

Fray Pedro de Carranza, Primer Obispo de Buenos Aires. José Torre Revello (*Archivum,* Jan., 1944).

La Hermandad del Santo Cristo de Buenos Aires. Crónica de su origen y primeros años. Eugenio Corbet France (*ibid.*).

El Santo Cristo de Buenos Aires. Ernesto Luis Olivier (*ibid.*).

El R. P. Fray Juan Pascual de Rivadeneira. Su brillante actuación en el Tucumán y Río de la Plata. Antonio S. C. Córdoba, O.F.M. (*ibid.*).

Residencia Jesuítica de San Juan de la Frontera. Alfonsa G. Hernández (*ibid.*).

Fundación de la Vicaría General del Ejército. Julián A. Vilardi (*ibid.*).

Los Patronos Menores de la ciudad de Buenos Aires, San Sabino y San Bonifacio. Crónica de antaño. Eugenio Corbet France (*ibid.*).

Segundo Arzobispo de Buenos Aires. León Federico Aneiros (*ibid.*).

Mons. Dr. Mariano Antonio Espinosa. Jaime Avellá (*ibid.*).

Los Clérigos Salcedo en el Tucumán del siglo XVI. Francisco Avellá Chafer (*ibid.*).

Un Plan de Estudios Colonial del M. R. P. Maestro Fr. Isidoro C. Guerra. Jacinto Carrasco, O.P. (*ibid.*).

Las Casas ante la doctrina de la servidumbre natural. Silvio Zavala (*Revista Universidad de Buenos Aires,* Jan., 1944).

Duns Escoto em Face da Crítica. Santos Dinis, O.F.M. (*Revista Eclesiástica Brasileira,* [Petrópolis], June, 1944).

José Bonifácio de Andrada e Silva economista. J. C. de Macedo Soares (*Revista do Instituto Histórico e Geográfico Brasileiro* [Rio de Janeiro], July, 1944).

O período republicano. Gilberto Freyre (*Boletim* bibliográfico (*Biblioteca Pública Municipal de S. Paulo,* No. 2).

Capelães militares na ilha da Trindade (séc. XVIII). Fr. Odulfo, O.F.M. (*Revista eclesiástica brasileira,* Sept.).

BOOKS RECEIVED

Annual Report of the American Historical Association for the Year 1943. Vol. I. *Proceedings.* (Washington: Government Printing Office. 1944. Pp. xxv, 75. Cloth, 75¢.)

Bernstein, Harry, *Origins of Inter-American Interest, 1700-1812.* (Philadelphia: University of Pennsylvania Press. 1945. Pp. ix, 125. $2.00.)

Biskupek, Aloysius, *Priesthood. Conferences on the Rite of Ordination.* (St. Louis: B. Herder Book Co. 1945. Pp. vi, 398. $3.50.)

Bonhomme, Mother Mary Bernard, O.S.U., *Educational Implications of the Philosophy of Henri Bergson.* (Washington: Catholic University of America Press. 1944. Pp. xv, 208. $2.00.) An analysis and critique of Bergson's philosophy in relation to education; done as a Ph.D. dissertation under the direction of Edward B. Jordan.

Boyd, Julian P. (Ed.), *The Declaration of Independence, the Evolution of the Text as Shown in Facsimiles of Various Drafts by its Author, Thomas Jefferson.* (Princeton: Princeton University Press. 1945. Pp. 46. $3.50.)

Brenan, Gerald, *The Spanish Labyrinth. An Account of the Social and Political Background of the Civil War.* (Cambridge: At the University Press; New York: Macmillan Co. 1944. Pp. xviii, 384. $3.50.)

Brennan, Robert Edward, O.P., *History of Psychology from the Standpoint of a Thomist.* (New York: Macmillan Co. 1945. Pp. xvi, 277. $3.00.) Father Brennan of the University of Montreal here writes a historical survey of the science of psychology from the Greeks to the present time. Jacques Maritain writes a prefatory note to the volume.

Clarke, W. K. Lowther, *Eighteenth Century Piety.* (London: Society for Promoting Christian Knowledge; New York: Macmillan Co. 1944. Pp. viii, 160. $2.75.)

Dworaczyk, Edward J., *Church Records of Panna Maria, Texas.* (Chicago: Polish Roman Catholic Union of America. 1945. Pp. 64.) Father Dworaczyk's contribution to Volume IX of the Annals of the Polish Roman Catholic Union is a careful compilation of data on the first and oldest Polish parish in America. The records date from 1855 when Leopold Moczygemba, O.M.C., was pastor.

Ensor, R. C. K., *A Miniature History of the War Down to the Liberation of Paris.* (New York: Oxford University Press. 1945. Pp. ix, 153. $1.50.) Professor Ensor of Oxford University has here compressed the events of the crowded six years from September, 1939, to August, 1944, into a narrow compass to make a brief narrative for the general reader on World War II. The volume has a chronological table of events but no index.

Ferrer, St. Vincent, *Treatise on the Spiritual Life.* Trans. by T. A. Dixon, O.P. (Westminster, Md.: Newman Book Shop. 1944. Pp. vii, 58. 50¢.) The Westminster Book Shop continues its serviceable work in putting out texts of valuable treatises often long out of print.

Frank, Erich, *Philosophical Understanding and Religious Truth.* (New York: Oxford University Press. 1945. Pp. x, 209. $2.50.)

Hershberger, Guy Franklin, *War, Peace, and Nonresistance.* (Scottdale, Pa.: Herald Press. 1944. Pp. xv, 415. $2.50.) An elaborate treatise covering the movement of nonresistance in war from the Old Testament days to the present conflict. The major space is given over to the doctrines and practices of the Mennonites. The volume contains as well a number of appendices and a general index with an index of scriptural citations also. The author is professor of history and sociology in Goshen College.

Huber, Raphael M., O.F.M.Conv., *A Documented History of the Franciscan Order, 1182-1517.* (Milwaukee and Washington, D. C.: 1944. Pp. xxxiv, 1028. $7.50.)

Hudson, Manley O., *International Tribunals, Past and Future.* (Washington: Carnegie Endowment for International Peace and Brookings Institution. 1944. Pp. xii, 287. $2.50.)

Hutt, W. H., *Plan for Reconstruction. A Project for Victory in War and Peace.* (New York: Oxford University Press. 1944. Pp. viii, 328. $4.50.) The International Library of Sociology and Social Reconstruction, edited by Karl Mannheim, submits another volume in its series of works on the reconstruction problems which will confront the post-war world. The present work is by the professor of commerce in the University of Capetown.

Kelty, Mary G., and Sister Blanche Marie, *The Pupil's Guide to Accompany Gifts of Other Lands and Times.* (Boston: Ginn and Co. 1945. Pp. 127. 44¢.)

Kent, Michael, *The Bond of Peace.* (Milwaukee: Bruce Publishing Co. 1945. Pp. vi, 186. $2.00.) An essay which examines the roots of the cleavage in western Christendom since the sixteenth century through the medium of several textbooks and some recent periodical literature.

Kesten, Hermann, *Copernicus and His World.* (New York: Roy Publishers. 1945. Pp. ix, 408. $3.50.)

Koch, Josef (Ed.), *Giles of Rome. Errores Philosophorum.* Trans. by John O. Riedl. (Milwaukee: Marquette University Press. 1944. Pp. lix, 67. $3.00.) Professor Josef Koch of Breslau prepared the edition of this text with the lengthy critical introduction. The philosophers criticized are: Aristotle, Averroes, Avicenna, Algazel, Alkindi, and Maimonides. Despite several previous editions this new and probably definitive text was needed. Koch vindicates the work for Giles against the arguments of Père Mandonnet. He studies Giles' sources and the date of his work. Professor John O. Riedl of Marquette University translates the text and introduction. The English version of the highly technical text seems to be excellent. Anyone interested in the history of mediaeval thought will need this volume.

Lanctot, Gustave, *Dominion of Canada. Report of the Department of Public Archives for the Year 1944.* (Ottawa: Edmond Cloutier. 1945. Pp. xli, 154. $1.00.) The *Report* contains the annual survey of the Archives by the Keeper of Public Records, lists of accessions of manuscripts, and a number of documents as well as an appendix containing the Calendar of State Papers composed of the Official Correspondence of the Lieutenant-Governors of Upper Canada for the Years 1838-1839.

Landgraf, Artur (Ed.), *Commentarius Cantabrigiensis in epistolas Pauli e schola Petri Abaelardi 3. in epistolam ad Philippenses, ad Colossenses Iam et IIam ad Thessalonicenses, Iam et IIam ad Timotheum, ad Titum et ad Philemonem.* (Notre Dame: Publications in Mediaeval Studies. 1944. Pp. 447-651.) The University of Notre Dame presents herewith the third part of Volume II in its Publications in Mediaeval Studies. The publishing of this volume is motivated by a genuine devotion to scholarship. Because of its technical nature the commentary has an appeal for a very limited number of readers. But it is an important page in the little-known exegetical literature of the twelfth century. Those interested in the history of theology and especially seminary libraries will want the volume. In the absence of the editor, Dr. Landgraf, who in the meantime has been named auxiliary Bishop of Bamberg, Father Moore has seen this third part through the press.

Loughrey, Mary Ellen, *France and Rhode Island, 1686-1800.* (New York: King's Crown Press. 1944. Pp. vii, 186. $2.25.)

Lynch, Sister M. Claire, O.S.B., *The Diplomatic Mission of John Lothrop Motley to Austria, 1861-1867.* (Washington: Catholic University of America Press. 1944. Pp. viii, 159. $1.50.) A Ph.D. dissertation done at the Catholic University of America under the direction of Professor Friedrich Engel-Janosi, which makes generous use of the diplomatic correspondence of Lothrop in the National Archives.

McAllister, Anna Shannon, *Flame in the Wilderness. Life and Letters of Mother Angela Gillespie, C.S.C., 1824-1887.* (Holy Cross, Ind.: Sisters of the Holy Cross. 1944. Pp. xiv, 358. $3.50.)

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